



# N-400 DOCUMENTATION GUIDE

## *Submitting Evidence in the Naturalization Process*

By Eric Cohen, Cori Hash, and Hilary Slauson

### I. Introduction

This Practice Advisory will help practitioners understand what documents naturalization applicants must submit to the United States Citizenship and Immigration Services (USCIS) during the naturalization process. It will also help practitioners revise their N-400 document checklists and advise clients about the documentation they must submit. For more information about naturalization requirements and more details about the application process, please check out the ILRC's *Naturalization and Citizenship: The Essential Legal Guide*.

On April 1, 2024, USCIS issued a new edition of the Form N-400, Application for Naturalization. The new version of the form is shorter, but it has many more pages of instructions than the previous N-400 form. The new N-400 instructions state that applicants “[m]ust submit all evidence and supporting documents at the time of filing; however, USCIS may accept evidence you provide at your interview.”<sup>1</sup> In an effort to protect applicants from providing more information than is required to USCIS and the Department of Homeland Security (DHS), the ILRC recommends submitting only what is absolutely necessary for USCIS to accept and adjudicate the N-400. This Practice Advisory is intended to advise which documents are truly necessary for USCIS to accept and adjudicate the N-400 form and when to submit each document.

USCIS requires that certain documents be submitted with the N-400 filing, while most other documents should be submitted later, if at all. ILRC encourages practitioners, when possible, to rely on applicant testimony before submitting documents beyond those that are absolutely required. “[F]or some applications and petitions ... testimony alone may meet the evidentiary requirements.”<sup>2</sup> USCIS should accept an applicant’s testimony without additional documentation.<sup>3</sup>

USCIS may want additional documentation to adjudicate a specific issue. ILRC’s position is that applicants should wait to submit certain types of evidence until USCIS specifically requests it by issuing a Request for Evidence (RFE).<sup>4</sup> At that time, applicants and their practitioners can narrowly tailor the evidence and any explanation to narrowly address the

<sup>1</sup> USCIS, Form N-400, *Instructions for Application for Naturalization*, p. 4, <https://www.uscis.gov/sites/default/files/document/forms/n-400instr.pdf>.

<sup>2</sup> 1 USCIS-PM E.6, <https://www.uscis.gov/policy-manual/volume-1-part-e-chapter-6#footnotelink-11>.

<sup>3</sup> 8 CFR § 103.2(b)(7).

<sup>4</sup> A request for evidence related to naturalization is issued as an N-14, Notice of Continuance.

issue raised by USCIS. However, the analysis of what evidence to submit and when should be made on a case-by-case basis by the naturalization applicant with their advocate.

This Practice Advisory contains a quick reference chart with recommendations about when certain documentation should be submitted to USCIS. It also reviews those documents listed in the revised N-400 instructions, from the required—evidence of the applicant’s eligibility and filing fees—to those that USCIS suggests or often requests along with tips on whether to file the documents and when and how to do so. This practice advisory follows along the N-400 instructions and is organized by page and section. As always, this document is intended to be a summary of practice tips and not to replace case-specific advice on what documents should or should not be submitted to USCIS.

## II. Quick Reference Chart

The following chart provides a basic overview of the documents mentioned in the N-400 instructions and recommendations regarding when in the application and adjudication process to submit them to USCIS.

<b>Must Be Submitted with N-400 Application:</b>	<b>Can Be Submitted with N-400 Application or at Interview (<i>ILRC Recommends Submitting the Following Documents at the Time of Filing to Avoid Delay</i>)</b>	<b>Upon USCIS Request Only at Interview or In Response to RFE:</b>
<ul style="list-style-type: none"> <li>• Full filing fee, Reduced filing fee (with evidence of reduced fee eligibility), or Form I-912 Request for Fee Waiver.</li> <li>• Copy of Permanent Resident Card (front and back) or other evidence of Permanent Resident status. If applying from outside the U.S., two passport-sized photos.</li> </ul>	<ul style="list-style-type: none"> <li>• Documentation of legal name change, if applicable.</li> <li>• Form N-648 to request disability exceptions, if applicable.</li> <li>• Evidence of eligibility under the three-year rule for spouses of U.S. Citizens, including evidence of spouse’s U.S. citizenship and valid marriage, if applicable for eligibility.</li> <li>• Evidence of membership in the U.S. armed forces for applicants applying as current or former members of the military, if applicable for eligibility.</li> <li>• Documentation of legal guardian, surrogate, or designated representative, if applicable.</li> <li>• Selective Service Status Information Letter (for certain applicants assigned male at birth), if applicable.</li> </ul>	<ul style="list-style-type: none"> <li>• Copies of tax returns or IRS tax transcripts.</li> <li>• Passport, proof of exit/entry to U.S., and other evidence to document the required continuous residence and physical presence.</li> <li>• Certified court records.</li> <li>• Documentation of child or spousal support.</li> </ul>

## III. The Minimum: Basic Documents to Ensure N-400 Application is Accepted by USCIS (Proof of Permanent Resident Status and Applicable Fees)

At the time of filing the N-400, an applicant is only required to submit two additional items beyond the application itself—proof of their permanent resident status and the applicable filing fees. Applicants must submit evidence to prove their eligibility to apply to naturalize, such as a copy of their green card or other documentation of their status as a permanent resident. Applicants should also submit either the application fee, the reduced filing fee along with evidence to support a fee reduction request, or Form I-912 to request a full fee waiver.

Applicants must submit fees using the proper payment methods and should not pay more than they are required to; otherwise, USCIS will reject the N-400.<sup>5</sup>

## IV. Beyond the Minimum: Additional Documentation of Eligibility

In addition to the basic documentation required to file the N-400, applicants will need to submit evidence of eligibility to USCIS. This evidence may be submitted along with the N-400, at the time of interview, or in response to an RFE.

**REMINDER:** Applicants must submit legible photocopies of requested documentation unless USCIS requests an original document.<sup>6</sup> Also, any foreign language documents submitted to USCIS must be accompanied by a signed certification that the translator is competent to translate from the foreign language into English and that the English language translation is complete and accurate.<sup>7</sup> The certification should include the translator's signature, printed name, signature date, and contact information.<sup>8</sup>

- 1. Evidence of Eligibility Based on Marriage to U.S. Citizen—Part 5, Item 3:** If an applicant is applying as the spouse of a U.S. citizen under the three-year rule, they must document their spouse's citizenship and their marriage to establish eligibility for naturalization.

USCIS instructs applicants seeking to establish eligibility for naturalization based on marriage to a U.S. citizen to submit the following evidence:

- Evidence that the spouse has been a U.S. citizen for at least three years by the date of the N-400 filing. Examples of such documents include the spouse's U.S. birth certificate, the spouse's Certificate of Naturalization, the spouse's Certificate of Citizenship, the spouse's Form FS-240 Consular Report of Birth Abroad, or the biographical page of the spouse's U.S. passport;
- Current marriage certificate and documentation showing that prior marriages were terminated, such as divorce decrees, annulment decrees, or death certificates, if applicable; and
- Evidence that the applicant and their spouse lived in marital union for at least three years before filing the N-400. Examples include joint bank or credit card statements, leases or mortgage documents, jointly held insurance policies, and IRS tax transcripts.<sup>9</sup>

<sup>5</sup> USCIS, Form N-400, *Instructions for Application for Naturalization*, p. 27, <https://www.uscis.gov/sites/default/files/document/forms/n-400instr.pdf>.

<sup>6</sup> USCIS, Form N-400, *Instructions for Application for Naturalization*, p. 4, <https://www.uscis.gov/sites/default/files/document/forms/n-400instr.pdf>.

<sup>7</sup> 8 CFR § 103.2(b)(3).

<sup>8</sup> Id.; USCIS, Form N-400, *Instructions for Application for Naturalization*, p. 5, <https://www.uscis.gov/sites/default/files/document/forms/n-400instr.pdf>.

<sup>9</sup> USCIS, Form N-400, *Instructions for Application for Naturalization*, p. 13, <https://www.uscis.gov/sites/default/files/document/forms/n-400instr.pdf>.

**What ILRC Recommends:** The ILRC believes that applicants should only submit evidence of their U.S. citizen spouse's citizenship and a marriage certificate between the applicant and that spouse with the N-400 or at the interview. USCIS can rely on the applicant's own testimony regarding marital union. The applicant can submit any other evidence if requested to do so by USCIS during the interview or in response to the issuance of an RFE. The ILRC does not recommend providing any additional documentation listed without instruction by USCIS. The focus of the living in marital union element is whether the applicant is residing with their U.S. citizen spouse, so any documentation submitted should show a joint residence for the couple for the required period.<sup>10</sup>

**NOTE: The VAWA provision.** Evidence of the spouse's U.S. citizenship, marriage to the U.S. citizen, or marital union is not required if the applicant obtained LPR status as the spouse, former spouse, or intended spouse of a U.S. citizen who subjected the applicant to battery or extreme cruelty.<sup>11</sup>

**2. Eligibility Based on Marriage to a U.S. Citizen who is Working for a Qualified Employer Outside the U.S.—Part 5, Item 3:** Certain applicants may be eligible based on marriage to a U.S. citizen working for a qualifying employer outside the U.S. In addition to the evidence requested in Part 1 above, USCIS also requests that those applying under this category submit:

- Evidence that demonstrates the U.S. citizen spouse's qualifying employment outside of the U.S., which should include the following:
  - The employer's name and nature of the employer's business;
  - The nature of the work the U.S. citizen spouse is performing;
  - Documentation to establish the spouse's employing entity is: (1) the U.S. Government; (2) an American institution of research recognized as such by the Attorney General;<sup>12</sup> (3) a public international organization in which the U.S. participates by treaty or statute; (4) an American firm or corporation that is engaged in whole or in part in the development of U.S. foreign trade and commerce; or (5) a religious denomination or an interdenominational mission organization and the spouse is performing the ministerial or priestly functions of the religious denomination or is serving as a missionary, brother, nun, or sister for the religious denomination or interdenominational mission;
- Travel orders for the U.S. citizen spouse listing the applicant, if applicable;
- Documentation that the spouse's employment outside the U.S. is scheduled to last for at least one year from the date of the N-400 filing; and

<sup>10</sup> 8 CFR § 319.1(b)(1). Please see the ILRC's naturalization manual, *Naturalization and Citizenship: The Essential Legal Guide*.

<sup>11</sup> USCIS, Form N-400, *Instructions for Application for Naturalization*, p. 13.

<sup>12</sup> See <https://www.uscis.gov/list-of-recognized-american-institutions-of-research-and-other-recognized-organizations>.

- A statement from the applicant confirming their intent to reside outside the U.S. with the U.S. citizen spouse and to live in the U.S. immediately after the spouse's employment outside the U.S. ends.<sup>13</sup>

**What ILRC Recommends:** USCIS instructions do not explicitly state when to submit this documentation, but ILRC recommends that applicants submit it with the N-400 or at the interview to avoid delays with their application.

- 3. Evidence of Eligibility for Current and Former Members of the U.S. Armed Forces—Part 1, Item 1:** Applicants who are currently serving in or who are veterans of the U.S. armed forces may be eligible to apply for naturalization under special provisions based on military service. *Current members* applying based on military service must submit an original or copy of a completed N-426, Request for Certification of Military or Naval Service. Applicants *currently serving in an active-duty status* either inside or outside the U.S. should submit a photocopy of their official military orders. Applicants who are deployed outside the U.S. or transferred to a new duty station after filing Form N-400 should call the Military Help Line at 877-247-4645 or email [militaryinfo@uscis.dhs.gov](mailto:militaryinfo@uscis.dhs.gov) for instructions.<sup>14</sup> Applicants who have been separated from the U.S. armed forces and are applying based on past military service should provide copies of DD Form 214, NGB Form 22, or other official discharge documents for all periods of service.<sup>15</sup> Note that there is no filing fee for applicants filing based on current or prior military services.

**What ILRC Recommends:** USCIS instructions do not explicitly state when to submit evidence of military service, but ILRC recommends that applicants submit this documentation with the N-400 to avoid delays with their application.

- 4. Evidence of Eligibility for Spouse of Member of the U.S. Armed Forces—Part 5, Item 2:** Spouses and children of U.S. citizen members of the U.S. armed forces who reside abroad under official orders may be eligible for expedited or overseas naturalization if they meet certain requirements.

USCIS requests applicants applying under this provision submit (1) evidence that the applicant's U.S. citizen spouse or parent is serving with the U.S. armed forces, and (2) documentation that the applicant is authorized to accompany the member of the armed forces under their official orders.<sup>16</sup>

<sup>13</sup> USCIS, Form N-400, *Instructions for Application for Naturalization*, p. 14-15, <https://www.uscis.gov/sites/default/files/document/forms/n-400instr.pdf>.

<sup>14</sup> USCIS, Form N-400, *Application for Naturalization*, p. 10, part 9, item 26.b., (April 1, 2024), <https://www.uscis.gov/sites/default/files/document/forms/n-400.pdf>.

<sup>15</sup> USCIS, Form N-400, *Instructions for Application for Naturalization*, p. 24, <https://www.uscis.gov/sites/default/files/document/forms/n-400instr.pdf>.

<sup>16</sup> USCIS, Form N-400, *Instructions for Application for Naturalization*, p. 11, <https://www.uscis.gov/sites/default/files/document/forms/n-400instr.pdf>.

**What ILRC Recommends:** USCIS instructions do not explicitly state when to submit this documentation, but the ILRC recommends that applicants submit it with the N-400 to avoid delays and to ensure proper routing of their application.

## V. Going Beyond: Other Documentation Requested or Suggested by USCIS

5. **Evidence of Eligibility—Part 1, Item 1:** *see above.*
6. **Evidence of Name Change—Part 2, Item 1:** USCIS requires an applicant to provide evidence of a name change to show why the applicant's legal name listed on the application may be different from the name on their birth certificate. Documents proving a legal name change for naturalization purposes include a marriage certificate, divorce decree, or court order.<sup>17</sup>

**What ILRC Recommends:** If the name change occurred before the submission of the N-400, the ILRC recommends submitting evidence of the name change with the N-400. USCIS may not request this document at the interview or through an RFE, resulting in the applicant's previous name being printed on their naturalization certificate. If the applicant changed their name after filing the N-400, then they should submit evidence of a name change at the time of their interview.

7. **Evidence of Disability Waiver—Part 2, Item 11:** An applicant who wants to apply for a disability waiver of the English and/or civics requirements for naturalization must submit Form N-648, Medical Certification for Disability Exceptions. USCIS instructions indicate the completed N-648 should be submitted at the time of filing the N-400.<sup>18</sup>

**What ILRC Recommends:** While it is not required at the time of filing the N-400, the ILRC recommends that applicants submit the N-648 with the N-400 application. USCIS may not actively request this document later. Filing the N-648 together with the N-400 also puts USCIS on notice that the applicant would like to waive the English and/or civics requirements prior to the interview. However, USCIS will accept an N-648 at the time of the interview.

8. **Evidence to Apply Through Legal Guardian, Surrogate, or Designated Representative:** The N-400 instructions provide options for documenting the use of a legal guardian, surrogate, or designated representative to assist with the application process for applicants who are unable to complete the naturalization process due to a physical or developmental disability or mental impairment. These options include a court order authorizing the legal guardian or surrogate to exercise authority over the applicant's affairs. In the absence of a court-ordered legal guardian or surrogate, a U.S. citizen, spouse, parent, adult son or daughter, or adult brother or sister who is the

<sup>17</sup> USCIS, Form N-400, *Instructions for Application for Naturalization*, p. 6, <https://www.uscis.gov/sites/default/files/document/forms/n-400instr.pdf>.

<sup>18</sup> USCIS, Form N-400, *Instructions for Application for Naturalization*, p. 9, <https://www.uscis.gov/sites/default/files/document/forms/n-400instr.pdf>.

primary custodial caregiver and who takes responsibility for the applicant can serve as the designated representative.<sup>19</sup> The designated representative family member must provide documentation to establish a familial relationship between the applicant and the designated representative, as well as proof of U.S. citizenship. The designated representative must also provide evidence showing they are the primary custodial caregiver and take responsibility for the applicant.<sup>20</sup>

If an applicant is unable to understand the Oath of Allegiance or to communicate an understanding of its meaning because of a physical or developmental disability or mental impairment, the applicant may request a waiver of the oath by submitting a completed and signed Form N-648, Medical Certification for Disability Exceptions. However, the N-648 is not required and an applicant may instead submit a written request to waive the oath accompanied by a written evaluation from a medical professional.<sup>21</sup>

**What ILRC Recommends:** USCIS does not specify when these documents should be submitted, but the ILRC recommends that applicants submit them with the N-400 application so that USCIS is on notice that a legal guardian, surrogate, or designated representative is qualified to assist and may attend the interview.

**9. Evidence of Eligibility Based on Marriage—Part 5, Items 4a-8:** *see the above section of this Advisory at numbers 1 and 2, under “Eligibility Documentation,” for eligibility based on marriage to U.S. citizen and eligibility based on marriage to U.S. citizen in qualified employment outside the United States.*

**10. Evidence of Compliance with Child/Spousal Support—Part 6, Item 2:** If an applicant has children under the age of 18 who do not reside with them, USCIS requires applicants to provide documentation of any financial support to those children. If applicants have been ordered to pay support for a child or current or former spouse, they should provide a copy of the support order and evidence of compliance. Examples of evidence of financial support for a child or spouse may include:

- Canceled checks or money order receipts;
- A court or agency document showing child support payments;
- Evidence of wage garnishments; or
- A notarized letter from the parent/guardian who cares for the child(ren).<sup>22</sup>

**What ILRC Recommends:** The ILRC’s position is that testimony of compliance with child and spousal support should be sufficient and that applicants should wait to provide additional documentation until the interview or until USCIS explicitly requests it. It is important to note that

<sup>19</sup> 12 USCIS-PM C.2, <https://www.uscis.gov/policy-manual/volume-12-part-j-chapter-3>.

<sup>20</sup> USCIS, Form N-400, *Instructions for Application for Naturalization*, p. 9, <https://www.uscis.gov/sites/default/files/document/forms/n-400instr.pdf>.

<sup>21</sup> USCIS, Form N-400, *Instructions for Application for Naturalization*, p. 10, <https://www.uscis.gov/sites/default/files/document/forms/n-400instr.pdf>.

<sup>22</sup> USCIS, Form N-400, *Instructions for Application for Naturalization*, p. 15, <https://www.uscis.gov/sites/default/files/document/forms/n-400instr.pdf>. See also, the ILRC’s naturalization manual, *Naturalization and Citizenship: The Essential Legal Guide*.

if the applicant has not provided child support, they could be denied naturalization based on a lack of good moral character, however, if the failure to file child support was not willful, they could still become a naturalized U.S. citizen.

**11. Evidence of Continuous Residence—Part 8, Item 1:** USCIS will review the information provided on the N-400 along with the applicant’s travel history to determine if they have met the continuous residence requirements. USCIS may request an applicant’s passport to review entry and exit stamps and confirm the dates provided in the N-400. USCIS may require that any applicants who remained outside the U.S. for more than six months but less than one year submit evidence that they maintained continuous residence in the U.S. Examples of evidence to show maintenance of continuous residence can include:

- IRS tax transcripts for the last five years (or three years if applying on the basis of marriage to a U.S. citizen);
- Rent receipts, mortgage statements, or paycheck stubs;
- U.S. bank, credit card, or loan statements showing regular transactions;
- Proof of car registration and insurance;
- Any other document that shows maintenance of residence in the U.S.<sup>23</sup>

**What ILRC Recommends:** It is the ILRC’s position that because an applicant’s testimony should be sufficient proof in these circumstances and an applicant should not provide this evidence unless USCIS explicitly requests it.<sup>24</sup> If such evidence becomes necessary, applicants should submit the evidence with a cover letter explaining each item or bring the cover letter and documentation to the interview.

**12. Evidence of Physical Presence—Part 8, Item 1:** As with continuous residence, USCIS often asks to review applicants’ passports to confirm dates of entry and exit to the U.S. to confirm physical presence. Additionally, the instructions for the N-400 state that applicants may bring IRS tax transcripts to their interviews to demonstrate continued physical presence.<sup>25</sup>

**What ILRC Recommends:** USCIS should consider an applicant’s testimony in determining whether they met the required period of physical presence.<sup>26</sup> The ILRC recommends that applicants only provide tax transcripts for this purpose if USCIS explicitly requests them during the interview or through an RFE. Other forms of evidence may be more helpful in showing an applicant’s required physical presence in the U.S. and an applicant can present them when USCIS requests such evidence.

<sup>23</sup> USCIS, Form N-400, *Instructions for Application for Naturalization*, p. 16-17, <https://www.uscis.gov/sites/default/files/document/forms/n-400instr.pdf>.

<sup>24</sup> 12 USCIS-PM D.3.

<sup>25</sup> USCIS, Form N-400, *Instructions for Application for Naturalization*, p. 19, <https://www.uscis.gov/sites/default/files/document/forms/n-400instr.pdf>.

<sup>26</sup> 12 USCIS-PM D.4.



**13. Evidence of Tax Filings for Good Moral Character—Part 9, Items 3-4:** USCIS may require an applicant to submit tax related documentation.<sup>27</sup> If an applicant has federal, state, or local taxes that are overdue, the applicant will need to provide:

- IRS tax transcripts for the last five years (or for the last three years if applying as the spouse of a U.S. citizen);
- A signed agreement from the IRS or state or local tax office showing they have filed a tax return and have arranged to pay the taxes owed; and
- Documentation from the IRS or state or local tax office showing the current status of a repayment program.

**What ILRC Recommends:** The ILRC recommends applicants provide tax related documents for this purpose only if USCIS explicitly requests them during an interview or through an RFE.

**14. Evidence of Crimes and Offenses—Part 9, Items 15a-19:** USCIS instructs applicants to submit specific documentation regarding an applicant’s prior crimes and offenses. The requested documents listed as required for the N-400 is a departure from listed evidence in prior versions of the N-400 and from guidance provided in USCIS’ Policy Manual.

**What ILRC Recommends:** When it comes to the submission of criminal records, less is always best. Although the N-400 instructions say otherwise, the ILRC suggests that applicants only submit Court-Certified Records showing the final disposition of any arrests or charges. Applicants should not automatically submit arrest reports, sentencing reports, or other documents related to an applicant’s engagement with the criminal legal system without an explicit request from USCIS, and even then, only after carefully examining the contents of such documentation to ensure it will help more than it will hurt. Arrest reports and other court records may contain damaging information about the applicant which could cause USCIS to deny the N-400 or refer an applicant for removal proceedings before the Immigration Court.

## VI. Evidence of Crimes and Offenses: A Comparison

	What N-400 Instructions Request	What ILRC Recommends
<b>If arrested or detained and NO charges were filed</b>	An arrest report and an official statement from the arresting agency or applicable court confirming no charges were filed.	An original or certified statement from the arresting or prosecuting agency or court confirming no charges were filed. Advocates and applicants should carefully review the arrest report to determine if submission is warranted.
<b>If convicted or placed in an alternative sentence program or a rehabilitative program</b>	The sentencing record for each incident and evidence that alternative sentencing or	The certified court disposition and evidence of completion of the

<sup>27</sup> Note: applicants can request tax transcripts from the IRS either online or by mail. See <https://www.irs.gov/individuals/get-transcript>.

	What N-400 Instructions Request	What ILRC Recommends
	rehabilitative programs were completed.	program, if available and not included in the disposition.
<b>If arrested or detained and charges WERE filed</b>	Documentation of all arrest reports, charging documents, court dispositions, sentencing reports, and any other relevant documents; and any additional evidence for USCIS to consider concerning the circumstances of arrests/convictions.	The certified court disposition only.
<b>If convicted and sentenced (including if sentence was suspended or applicant was placed on probation or parole)</b>	The sentencing record for each incident and evidence that the sentence was completed, such as probation or parole records.	The certified court disposition. If the applicant was placed on probation or parole, they should also include any evidence of compliance with that program, if available.
<b>If any arrest or conviction was vacated, set aside, sealed, expunged, or otherwise removed from the record, or applicant received a pardon</b>	Documentation of the applicant's motion to vacate and the court order that vacates, sets aside, seals, expunges, or otherwise removes the arrest/conviction from the record; an application or petition for a pardon and final decision granting your application or petition for a pardon; or a statement from the court that no record exists of arrest/conviction.	The certified court disposition. If the applicant was granted a pardon, a certificate or other evidence a pardon was granted. If records no longer exist, applicants should submit an original or certified letter from the court that no records exist.
<b>If involved in a traffic incident</b>	Documentation of the incident ONLY if it involved drugs or alcohol, led to an arrest, or seriously injured another person.	In the event the traffic incident involved alcohol or drugs, led to an arrest, or seriously injured another person, the ILRC recommends submitting the certified court disposition only.
<b>If ordered to pay a fine, make restitution, or have their wages garnished</b>	Documentation of the order and documentation that the applicant has paid the required sum or evidence of current payment.	The ILRC recommends submitting the certified court disposition related to any criminal court order and including evidence of compliance with that order only upon request by USCIS. Applicants are not required to submit documentation regarding civil court orders unless mentioned previously in this advisory (for example, evidence of child/spousal support). Applicants with other types of civil orders should consult with an experienced attorney or accredited representative before submitting any other type of order.

**WARNING:** USCIS indicates on the N-400 instructions that all offenses, including those that happened before an applicant turned eighteen, must be disclosed and records provided. In

many states, juvenile records and information pertaining to juvenile records are confidential. The ILRC encourages applicants and their advocates to research their relevant state laws regarding the confidentiality of juvenile records before sharing any information or documents with USCIS. If juvenile records are confidential in your state, do not provide them to USCIS, or at least do not provide them without following the process in your state to obtain permission to disclose the disposition documents. Always make sure to carefully review such records before submitting them in case the records include information that could put the applicant in a difficult position with USCIS. For further information about confidentiality of juvenile records and immigration applications, see ILRC, *Confidentiality of Juvenile Records in California: Guidance for Immigration Practitioners* (Sept. 27, 2022), <https://www.ilrc.org/resources/confidentiality-juvenile-records-california-guidance-immigration-practitioners>.

USCIS will accept photocopies of criminal records prior to the interview. If USCIS requires the applicant to submit additional documents, the applicant *must* provide originals or court-certified copies.<sup>28</sup>

Always make sure to carefully review all criminal or juvenile records before submitting them in case the records include information that could put the applicant in a difficult position with USCIS.

**15. Evidence of Selective Service Registration if Applicable—Part 9, Item 22a-c:** If the applicant is *between 26 and 31 years old (or, if applying as the spouse of a U.S. citizen, and is between the ages of 26 and 29)*, assigned male at birth, and was required to register but did not do so, USCIS requests that applicants include a statement regarding their reasons for failing to register in Part 14, Additional Information, of the N-400. USCIS also requires these applicants to submit a Status Information Letter from the Selective Service. USCIS confirmed in the N-400 instructions that applicants who are under the age of 26 at the time of filing who have not yet registered with Selective Service should do so prior to filing and provide the registration information in the N-400. Applicants who are over 31 (or 29 for those applying as the spouse of a U.S. citizen) are not required to submit any explanation evidence related to Selective Service as any failure to register is outside of the good moral character period.<sup>29</sup>

**What ILRC Recommends:** USCIS instructions do not specify when to submit the Status Information Letter. The ILRC recommends submitting the document with the N-400. However, applicants can submit in response to an RFE or at the time of the interview.

**16. Evidence of Eligibility Based on Membership in the U.S. Armed Forces—Part 9, Items 26a-29:** see the above section of this Advisory, “Eligibility Documentation,” at number 3.

**17. Fee Reduction—Part 10:** To apply for a fee reduction, the instructions request the applicant submit the reduced fee payment and include a copy of each household

<sup>28</sup> USCIS, Form N-400, *Instructions for Application for Naturalization*, p. 21, <https://www.uscis.gov/sites/default/files/document/forms/n-400instr.pdf>.

<sup>29</sup> USCIS, Form N-400, *Instructions for Application for Naturalization*, p. 22, <https://www.uscis.gov/sites/default/files/document/forms/n-400instr.pdf>.

member's most recent Federal Tax Return. If a household member did not file a Federal Tax Return or it does not reflect their current income, the applicant must provide copies of that household member's consecutive pay statements for the past month, recent W-2, SSA-1099, or employer statements on business letterhead showing salary/wages paid.

**What ILRC Recommends:** Applicants must submit fee reduction request documents showing their household income is at or below 400% of the federal poverty guidelines at the time of filing the N-400. Applicants requesting the reduced filing fee must file a paper version of the N-400 and cannot file online at this time.

**18. Fee Waiver:** To request a fee waiver, applicants should submit Form I-912 along with the N-400 form when filing the N-400. If filing a fee waiver application, applicants must file a paper version of the N-400 and may not file online.<sup>30</sup>

**What ILRC Recommends:** Applicants seeking a full waiver of the filing fee should submit Form I-912 along with evidence supporting your request for a fee waiver together with N-400.



#### San Francisco

1458 Howard Street  
San Francisco, CA 94103  
t: 415.255.9499  
f: 415.255.9792

ilrc@ilrc.org  
www.ilrc.org

#### Washington D.C.

1015 15<sup>th</sup> Street, NW  
Suite 600  
Washington, DC 20005  
t: 202.777.8999  
f: 202.293.2849

#### Houston

540 Heights Blvd.  
Suite 205  
Houston, TX 77007

#### San Antonio

10127 Morocco  
Street  
Suite 149  
San Antonio, TX  
78216

#### About the Immigrant Legal Resource Center

The Immigrant Legal Resource Center (ILRC) works with immigrants, community organizations, legal professionals, law enforcement, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training and technical assistance, and policy development and advocacy, the ILRC's mission is to protect and defend the fundamental rights of immigrant families and communities.

Copyright © 2025 Immigrant Legal Resource Center

<sup>30</sup> For specific instructions on filing Form I-912, Request for Fee Waiver, see <https://www.uscis.gov/i-912>.