

3.6 Criminal Bars to Naturalization

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In addition to removal, there are other potential adverse immigration consequences of a conviction. For many noncitizens, the potential for naturalization is a big concern.

Naturalization requires a showing of good moral character for a qualifying period of time, in many cases five years. *See* INA § 316(a)(3), 8 U.S.C. § 1427(a)(3). If an LPR client is convicted of or admits certain crimes, he or she is statutorily precluded for up to five years (or permanently in the case of an aggravated felony conviction) from demonstrating good moral character for naturalization purposes. The convictions listed below have this effect.

Immigration authorities still have discretion to find that your client lacks the requisite moral character for U.S. citizenship based on other dispositions, but they do not automatically preclude your client from demonstrating good moral character.

- Conviction of an aggravated felony, entered on or after November 29, 1990. This makes your client permanently ineligible for citizenship, *see* INA § 101(f)(8), 8 U.S.C. § 1101(f)(8), and will almost certainly result in your client's removal from the U.S. as well. *See supra* § 3.4A, Aggravated Felonies Generally.
- Conviction or admitted commission of any controlled substance offense except one offense of simple possession of 30 grams or less of marijuana if no prior drug convictions. *See* INA § 101(f)(3), 8 U.S.C. § 1101(f)(3).
- Conviction or admitted commission of a crime involving moral turpitude, except if the client does not have a prior conviction for a crime involving moral turpitude and the offense is not subject to a potential prison sentence of more than one year and does not carry an actual sentence of imprisonment, active or suspended, of more than six months. *See* INA § 101(f)(3), 8 U.S.C. § 1101(f)(3).
- Conviction of two or more offenses of any type, plus an aggregate sentence of imprisonment, active or suspended, of five years or more. *See* INA § 101(f)(3), 8 U.S.C. § 1101(f)(3).
- Conviction of two or more gambling offenses. *See* INA § 101(f)(5), 8 U.S.C. § 1101(f)(5).
- Confinement, as a result of conviction, to a penal institution for an aggregate period of 180 days or more. *See* INA § 101(f)(7), 8 U.S.C. § 1101(f)(7).

For additional grounds barring a finding of good moral character, see INA § 101(f), 8 U.S.C. § 1101(f).