

More Information About Recent USCIS Good Moral Character Policy Change

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Good moral character is key to the analysis of whether one qualifies for many long-term immigration benefits in the U.S. Today, the USCIS reinforced that by [expanding its policy guidance](#) on unlawful acts that could prevent applicants from meeting the “good moral character” requirement to qualify for U.S. citizenship.

Under the Immigration and Nationality Act (INA), applicants for naturalization must establish that they have demonstrated good moral character during the statutory period leading up to their naturalization; however, the INA does not directly define good moral character, leaving the interpretation open to change based on shifting USCIS policies. The INA does give certain examples of unlawful acts that can derail a citizenship application, including:

- bail jumping;
- bank fraud;
- conspiracy to distribute a controlled substance;
- false claim of US citizenship ;
- falsification of records;
- forgery uttering;
- insurance fraud;
- obstruction of justice;
- sexual assault;
- Social Security fraud;
- unlawful harassment;
- unlawful registration to vote;
- unlawful voting;
- violation of a U.S. embargo

While officers are encouraged to consider any “extenuating circumstances,” wide discretion is given to USCIS officers adjudicating cases, who are responsible for making good moral character determinations. Each case is viewed with tight scrutiny, and it’s fair to assume that extenuating circumstances would have to be significant to overcome issues impacting the good moral character determination.

This is the latest move clarifying agency policies on how unlawful acts can impact qualification for various immigration benefits. It follows on [separate guidance published on Tuesday](#), December 10th, about how two or more convictions for driving under the influence or post-sentencing changes to criminal sentencing might affect good moral character determinations. Two or more DUI convictions during the statutory period could result in a

denial of certain benefits, including naturalization. In addition, criminal convictions and sentences can render applicants inadmissible to or deportable from the U.S.

Following the USCIS Good Moral Character Policy Change, if you are concerned that you might have an issue meeting the good moral character requirement for an immigration benefit, please contact one of [Elizabeth M. Klarin](#) or [Eileen M. Martin](#) of Lippes Mathias' immigration practice team.

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