



November 14, 2024

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Policy Alert

SUBJECT: Lawful Admission for Permanent Residence Requirement for Naturalization

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to clarify that a naturalization applicant's burden to demonstrate they have been lawfully admitted for permanent residence applies only to the applicant's initial admission as a lawful permanent resident (LPR) or adjustment to LPR status.

Background

An applicant for naturalization must show that they have been lawfully admitted to the United States for permanent residence in accordance with all immigration laws in effect at the time of admission or adjustment.¹ In the context of determining eligibility for naturalization, the regulations further define this requirement as applying "at the time of the applicant's initial entry or any subsequent reentry."²

However, in a recent decision, the Fourth Circuit Court of Appeals determined that a returning LPR who was treated as an applicant for admission and paroled into the United States for removal proceedings, which were later terminated, continued to meet the lawfully admitted for permanent residence requirement for naturalization.³ The court reasoned that USCIS' reading of the regulations⁴ imposes an additional requirement for naturalization not found in the statute by requiring that a naturalization applicant must establish lawful admission at "any subsequent reentry."⁵ To align with this ruling, USCIS is updating its policy to limit consideration of lawful admission for permanent residence in the naturalization context only to an applicant's initial admission or adjustment and not the applicant's subsequent reentries.

This guidance, contained in Volume 12 of the Policy Manual, is effective immediately and applies to requests pending or filed on or after the publication date. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance.

Policy Highlights

¹ See [INA 318](#).

² See [8 CFR 316.2\(b\)](#).

³ See *Azumah v. USCIS*, 107 F.4th 272 (4th Cir. 2024).

⁴ See [8 CFR 316.2\(b\)](#).

⁵ See *Azumah v. USCIS*, 107 F.4th 272 (4th Cir. 2024).

- Clarifies that for purposes of determining whether an applicant for naturalization meets the requirement of being lawfully admitted to the United States for permanent residence, USCIS considers whether a naturalization applicant was lawfully admitted for permanent residence or was lawfully adjusted to permanent resident status at the time of their initial admission or adjustment, regardless of whether they were lawfully admitted for permanent residence at the time of any subsequent reentries to the United States.

Summary of Changes

Affected Section: Volume 12 > Part D > Chapter 2, Lawful Permanent Resident Admission for Naturalization

- Revises first paragraph in Section A (Lawful Permanent Resident at Time of Filing and Naturalization) and revises the second footnote.
- Revises third paragraph in Section B (Abandonment of Lawful Permanent Residence).
- Revises first paragraph in Section C (Effect of Change in Law).

USCIS may also make other minor technical, stylistic, and conforming changes consistent with this update.

Citation

Volume 12: Citizenship and Naturalization, Part D, General Naturalization Requirements, Chapter 2, Lawful Permanent Resident Admission for Naturalization [[12 USCIS-PM D.2](#)].