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## **WHEN A LAWFUL PERMANENT RESIDENT SHOULD CONSIDER NATURALIZING: THE BENEFITS TO U.S. CITIZENSHIP**

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My last article focused on the basic requirements of naturalization. There is, however, a deeper issue that I left unaddressed: should a Lawful Permanent Resident (LPR) naturalize in the first place? Ultimately, this is a highly personal question that is best answered by the LPR himself. The choice of becoming an American citizen should not be taken lightly, and it would behoove an LPR considering naturalization to ask serious questions.

Nonetheless, there are a number of important advantages to U.S. citizenship that may help an LPR in his or her decision to naturalize. Simply stated, citizenship entitles an individual to participate more fully in American life, provides expanded opportunities to obtain green cards for family members, and permits greater freedom to travel abroad.

### **I. Do you want to participate in the American political process?**

Non-citizens pay taxes, own homes and businesses, serve in the U.S. military, and send their children to public schools. Yet, despite all of their contributions to the American economy and government revenue, LPRs (and other non-citizen immigrants) cannot vote in federal or state elections, as well as most local elections. In fact, an LPR who illegally votes in a U.S. election may not only be subject to deportation, but could find his naturalization application denied as well.

LPRs cannot hold elective office either. Accordingly, if an LPR is dissatisfied with the direction of U.S. foreign policy, or is concerned about the quality of public school education, her ability to participate in the electoral system is severely limited without gaining U.S. citizenship. LPRs who want a greater voice in the American political process should consider naturalization.

### **II. Do you have an “immediate relative” in need of a green card?**

Family-sponsored permanent visas are allotted between “immediate relatives” of U.S. citizens and four separate preference categories. “Immediate relatives” include (1) a spouse of a U.S. citizen; (2) unmarried children (who are under the age of 21) of a U.S. citizen; and (3) a parent of a U.S. citizen (who is at least the age of 21). Since the number of available permanent visas to “immediate relatives” of U.S. citizens are unlimited, a person who qualifies under this category will obtain a green card as soon as the application is approved.

In contrast, relatives who fall under one of the four preference categories are subject to a quota system due to the annual limits placed on family-sponsored permanent visas. Consequently, those persons who are not “immediate relatives” will likely find their applications backlogged for several years until a green card becomes available. The four preference categories include: (1) unmarried children (who are over the age of 21) of U.S. citizens; (2A)

spouses and children of LPRs; (2B) unmarried children (who are over the age of 21) of LPRs; (3) married children of U.S. citizens; and (4) brothers and sisters of U.S. citizens.

An LPR who is seeking to obtain a green card for an “immediate relative” will greatly expedite the process by becoming a U.S. citizen. Take the hypothetical example of Goran, who is an LPR and meets the basic requirements for naturalization. He wants to obtain a green card for his ailing father in Croatia and his spouse who resides in the United States on a student visa. Unfortunately, since Goran is only an LPR, he cannot sponsor his father at all. Moreover, Goran’s spouse falls under the 2A preference category (the spouse of an LPR) and therefore must wait until a visa becomes available. According to the most recent Visa Bulletin, the U.S. Citizen & Immigration Services (USCIS, formerly the INS) is only processing 2A preference applications that were filed on or before March 22, 2002.

Thus, if Goran does not naturalize, his spouse will have to wait several years for her green card, and will fall into unlawful status if her student visa expires before her green card application is approved. On the other hand, if Goran decides to naturalize, he can not only sponsor his father as an “immediate relative” of a U.S. citizen, but also will secure a green card for his spouse within months instead of years. It is also important to note that a spouse of a U.S. citizen may also obtain a temporary work permit (Employment Authorization Document) while the green card application is being processed.

### **III. Do you want a government job that is only available to U.S. citizens?**

Most federal jobs and certain state government jobs require U.S. citizenship. Indeed, the U.S. Supreme Court has routinely upheld state laws that expressly prohibit non-citizens from elementary and secondary school teacher positions, employment as a police officer, and other positions involving a “governmental function.” An LPR who wants to work for the government probably cannot do so without first naturalizing or at least officially declaring an intention to do so.

### **IV. Do you travel frequently outside of the United States?**

Unlike U.S. citizens, LPRs are restricted on the time they can spend overseas and may be denied reentry upon return to the United States. In general, any returning LPR who has spent over one year abroad without a Reentry Permit may lose his green card. Moreover, a Reentry Permit is only valid for two years, so an LPR who expects to be overseas for more than two years must return to the United States and apply for another Reentry Permit. U.S. citizenship eliminates this hassle and enables an individual to live and work outside of the United States without abandoning U.S. residency.

Additionally, an LPR who frequently travels abroad may benefit greatly with a U.S. passport. That is because the United States maintains visa waiver agreements with several countries. For example, a U.S. citizen is not required to apply for a visitor visa to travel to New Zealand. In contrast, Croatia and New Zealand currently do not share a visa waiver agreement,

so a Croatian LPR residing in the United States will have to complete a visitor visa application unless accompanied by a U.S. citizen spouse.

#### **V. Do you want to retain Croatian citizenship?**

Finally, some LPRs may be reluctant to naturalize because they do not want to relinquish their home country citizenship. Although the United States officially discourages dual citizenship, it is not unlawful for a U.S. citizen to maintain dual nationality. In particular, a naturalized U.S. citizen will not be precluded from dual nationality if his or her country of origin does not automatically strip its citizens of their citizenship upon naturalization in a foreign country. Under Article 2 of the Croatian Law on Citizenship, a “citizen of the Republic of Croatia who is at the same time a foreign citizen shall be, before the authorities of the Republic of Croatia, deemed to be exclusively a Croatian citizen.” Furthermore, Article 17 of the Croatian Law on Citizenship states that Croatian citizenship will terminate only upon revocation, renunciation, or according to international treaty. This means that a Croatian citizen who becomes a naturalized U.S. citizen will maintain dual nationality unless he or she takes the specific steps to terminate Croatian citizenship through revocation or renunciation.

A naturalized U.S. citizen who maintains dual nationality with Croatia should use his or her U.S. passport upon leaving or entering the United States. Additionally, a dual national could lose his U.S. citizenship by serving as an officer in a foreign army, or accepting employment with any office or post in a foreign government. Finally, a dual national should be aware of its possible drawbacks, including compulsory military service, potential tax consequences, and other obligations in Croatia.

**LEGAL UPDATE:** In December 2006, the United States Citizen & Immigration Services (USCIS) announced its intention to **substantially** increase the filing fee for naturalization applications (Form N-400). Currently, the fee amount is \$400. Although USCIS has yet to announce the amount of the fee increase, estimates range from \$600 to \$1,000. The fee increase may take effect as soon as **April 2007**. Therefore, an LPR who is planning to naturalize should, if at all possible, file the application before the fee increase goes into effect this year.

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