



May 27, 2021

PA-2021-08

## Policy Alert

SUBJECT: Naturalization Eligibility and Voter Registration Through a State's Benefit Application Process

### Purpose

U.S. Citizenship and Immigration Services (USCIS) is updating policy guidance in the [USCIS Policy Manual](#) regarding applicants' registration to vote through a state's department of motor vehicles or other state benefit application process and the effects on an applicant's good moral character (GMC).

### Background

Applicants for naturalization must demonstrate GMC during the required period of time immediately before filing and up to the time they take the Oath of Allegiance.<sup>1</sup> USCIS may find that certain applicants have not met GMC requirements if they have unlawfully registered to vote<sup>2</sup> or voted unlawfully in the United States. The National Voter Registration Act of 1993 (NVRA)<sup>3</sup> directs states<sup>4</sup> to provide eligible voters with the opportunity to register to vote at the same time they apply for a driver's license or identification (ID) card<sup>5</sup> at the state's motor vehicle authority.<sup>6</sup> Consequently, many states have incorporated voter registration into the application for a new or renewed driver's license or state ID card,<sup>7</sup> and unlawfully registering to vote or falsely claiming U.S. citizenship during this process can adversely impact an applicant's GMC. This update provides clarifications regarding applicants who have or may register to vote through a state's benefit application.

---

<sup>1</sup> See [8 CFR 316.10\(a\)\(1\)](#). The applicable period of time depends on the section of the statute under which the applicant is eligible to naturalize. For more information, see Volume 12, Citizenship and Naturalization, Part F, Good Moral Character, Chapter 2, Adjudicative Factors, Section A, Applicable Statutory Period [[12 USCIS-PM F.2\(A\)](#)].

<sup>2</sup> For examples of states where it may be an unlawful act for an ineligible person to register to vote, see the laws of Arizona (Arizona 16-182), Mississippi (Miss. Code. Ann. 97-13-25), New Jersey (N.J. Stat. Ann. 19:34-1), Puerto Rico (16 L.P.R.A. 4248), and Utah (Utah Code Ann. 20A-2-401) as of at time USCIS published this update.

<sup>3</sup> See [Pub. L. 103-31](#), 107 Stat 77 (May 20, 1993) (codified at [52 U.S.C. 20501-20511](#)). For more information about the NVRA, see the U.S. Department of Justice (DOJ)'s [About the National Voter Registration Act](#) webpage.

<sup>4</sup> The NVRA applies to 44 states (Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming) and territories (Puerto Rico, Guam, Virgin Islands, American Samoa) are exempt from the NVRA. For more information, see DOJ's [About the National Voter Registration Act](#) webpage.

<sup>5</sup> See [52 U.S.C. 20504](#) (Section 5 of the NVRA).

<sup>6</sup> This includes departments of motor vehicles or equivalent state agencies. Because of the requirement for motor vehicle authorities to participate in voter registration, the NVRA is often referred to as the "Motor Voter" law.

<sup>7</sup> See, for example, California's [Driver License Renewal](#) and New York's [Application for Permit, Driver License or Non-driver ID Card](#).

The update, contained in Volume 12 of the Policy Manual, is effective immediately. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance.

### **Policy Highlights**

- Clarifies that USCIS will not penalize an applicant who unknowingly or unwilfully registers to vote.
- Clarifies that USCIS does not consider an applicant to have unlawfully registered to vote if the applicant did not complete or sign the voter registration section (including electronic signature, if applicable) in the motor vehicle or other state benefit application.
- Clarifies that USCIS does not consider an applicant to have unlawfully claimed to be a U.S. citizen if the applicant did not affirmatively indicate that he or she is a U.S. citizen. However, if the applicant registered to vote, the applicant has the burden to prove that the registration form did not contain a question about whether the applicant is a U.S. citizen or that the applicant did not indicate, in response to the question, that he or she is a U.S. citizen.
- Clarifies that an applicant may be considered to have falsely claimed to be a U.S. citizen for the purpose of registering to vote, and therefore may lack GMC because he or she committed an unlawful act in violation of [18 U.S.C. 1015\(f\)](#), if the applicant knowingly answered “yes” to a question asking whether he or she was a U.S. citizen in order to register to vote. This may apply even if the applicant’s registration to vote was done simultaneously with the process of a driver’s license or ID card application, or an application for other state benefits.

### **Citation**

Volume 12: Citizenship and Naturalization, Part F, Good Moral Character, Chapter 5, Conditional Bars for Acts in Statutory Period [[12 USCIS-PM F.5](#)].