**U.S. Department of Homeland Security**
U.S. Citizenship and Immigration Services
*Office of the Director*
Camp Springs, MD 20588-0009

U.S. Citizenship and Immigration Services

August 29, 2025

PA-2025-20

# Policy Alert

SUBJECT: Good Moral Character, Unlawful Voting, and False Claim to U.S. Citizenship in the Naturalization Context

## Purpose

U.S. Citizenship and Immigration Services (USCIS) is revising policy guidance in the USCIS Policy Manual on false claims to U.S. citizenship (including those made during the voter registration process), unlawful registration to vote, and unlawful voting in the naturalization context as part of USCIS' implementation of recent executive orders.[1]

## Background

It is unlawful for aliens to vote in federal elections or in most state elections. The 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) added sections 237(a)(3)(D) and 237(a)(6) to the Immigration and Nationality Act (INA), which make deportable aliens who falsely claim U.S. citizenship or vote in violation of any federal, state, or local constitutional provision, statute, ordinance, or regulation.[2] Congress also enacted parallel federal criminal provisions.[3] USCIS may find that an alien has not met the good moral character[4] requirement for naturalization if he or she has knowingly or unlawfully registered to vote[5] or voted unlawfully in the United States.

USCIS is publishing this guidance consistent with Executive Order 14148, Initial Recissions of Harmful Executive Orders and Actions executed on January 20, 2025, and Section 9 of Executive

[1] See Executive Order 14148, Initial Rescissions of Harmful Executive Orders and Actions, 90 FR 8237 (Jan. 28, 2025), and Executive Order 14248, Preserving and Protecting the Integrity of American Elections, 90 FR 14005 (Mar. 28, 2025).
[2] See Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), Pub. L. 104-208, 110 Stat. 3009, 3009-637 (September 30, 1996).
[3] See 18 U.S.C. 611 (voting in federal elections), 18 U.S.C. 1015(e) (knowingly makes a false statement or claim to be a U.S. citizen with the intent to obtain any federal or state benefit or service), and 18 U.S.C. 1015(f) (knowingly makes a false claim to U.S. citizenship in order to register to vote in any federal, state, or local election).
[4] See INA 316(a), INA 101(f), and 8 CFR 316.10(a)(1). The applicable period of time depends on the section of the statute under which the alien 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)].
[5] For examples of states where it may be an unlawful act for an ineligible person to register to vote, see the laws of Arizona (A.R.S. 16-182) and Utah (Utah Code Ann. 20A-2-401).

Order 14248, Preserving and Protecting the Integrity of American Elections.[6]

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**

- Affirms that USCIS considers an alien to have falsely claimed to be a U.S. citizen, if the alien affirmatively indicates that he or she is a U.S. citizen. If the alien registered to vote, the alien has the burden to prove that the registration form did not contain a question about whether the alien is a U.S. citizen or that the alien did not indicate, in response to such a question, that he or she is a U.S. citizen.

- Provides that an alien who falsely claims to be a U.S. citizen for any purpose or benefit, including registering to vote, will be issued a Notice to Appear (NTA) under the deportability ground INA 237(a)(3)(D)(i), unless he or she meets the limited exception in INA 237(a)(3)(D)(ii).

- Provides that an alien applying for naturalization who has voted in violation of any federal, state, or local constitutional provision, statute, ordinance, or regulation will be issued an NTA under INA 237(a)(6)(A), unless he or she meets the limited exception in INA 237(a)(6)(B).

- Provides that after an NTA, USCIS generally denies the naturalization application under INA 318 based on the existence of pending removal proceedings against the alien, except for applications for naturalization based on military service.

**Summary of Changes**

Affected Section: Volume 12 > Part F > Chapter 1, Purpose and Background

- In Section A (Purpose), revises language in the first paragraph.

- In Section B (Background), revises section in its entirety.

- In Section C (Legal Authorities), adds new fifth bullet.

Affected Section: Volume 12 > Part F > Chapter 5, Conditional Bars for Acts in Statutory Period

- Revises language in the introductory paragraph.

[6] See 90 FR 8237 (Jan. 20, 2025) (revoking Executive Order 14019, Promoting Access to Voting) and 90 FR 14005 (Mar. 28, 2025).

Affected Section: Volume 12 > Part F > Chapter 5 > Section M, False Claim to U.S. Citizenship, Unlawful Voter Registration, and Unlawful Voting

- Changes the title of Section M from "Unlawful Acts: False Claim to U.S. Citizenship, Unlawful Voter Registration, and Unlawful Voting" to "False Claim to U.S. Citizenship, Unlawful Voter Registration, and Unlawful Voting."

- Revises the section in its entirety.

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

**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].

## ***Additional Considerations***

**Administrative Procedure Act (APA)**

USCIS is issuing this guidance to support and implement portions of Executive Order 14248, *Preserving and Protecting the Integrity of American Elections*, specifically Section 2(b) and Section 9, which require documentation of citizenship for voter registration and require the Secretary of Homeland Security to ensure that state and local election officials engaged in verifying the eligibility of individuals registering to vote have access to systems without fees.

This update partially rescinds prior policies including, Naturalization Eligibility and Voter Registration Through a State's Benefit Application Process, PA-2021-08, issued May 27, 2021 and Access to Voter Registration Services during Naturalization Ceremonies, PA-2023-25, issued August 25, 2023. USCIS is affirmatively committing to issuing NTAs to aliens who falsely claimed U.S. citizenship or voted in violation of law. USCIS does not believe that aliens have any reliance interests related to prior non-enforcement policy in this realm but even if they do, USCIS interests in enforcing the INA and ensuring that there are consequences for false claims of U.S. citizenship and unlawful voting outweigh any such reliance interests.