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Chapter 1 - Purpose and Background

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A. Purpose

One of the general requirements for naturalization is good moral character (GMC). GMC means character which measures up to the standards of average citizens of the community in which the alien resides.^[1] The purpose of demonstrating GMC for naturalization is to ensure that the alien is suitable to become a U.S. citizen, reflecting the values and standards expected of a U.S. citizen.

In general, an alien must show that he or she has been and continues to be a person of GMC during the statutory period prior to filing and up to the time of the Oath of Allegiance.^[2]

The applicable naturalization provision under which the alien files determines the period during which the alien must demonstrate GMC.^[3] The alien's conduct outside the GMC period may also impact whether he or she meets the GMC requirement.^[4]

While USCIS determines whether an alien has met the GMC requirement on a case-by-case basis, certain types of criminal conduct automatically preclude aliens from establishing GMC and may make the alien subject to removal proceedings.^[5] An alien may also be found to lack GMC for other types of criminal conduct (or unlawful acts).

An officer's assessment of whether an alien meets the GMC requirement includes an officer's review of:

- The alien's record;
- Statements provided in the naturalization application; and
- Oral testimony provided during the interview.

There may be cases that are affected by specific jurisdictional case law. The officer should rely on local USCIS counsel in cases where there is a question about whether a particular offense rises to the level of precluding an alien from establishing GMC. In addition, the offenses and conduct which affect the GMC determination may also render an alien removable.

B. Background

The Naturalization Act of 1790 first introduced the long-standing GMC requirement for naturalization requiring an alien applying for naturalization to demonstrate "good character."^[6] Subsequent enactments^[7] incorporated "good moral character" and it remains a requirement for naturalization to this day.^[8]

Prior to 1940, the statute read "behaved as a man of good moral character."^[9] Since 1940, the statute has stated "has been and still is a person of good moral character."^[10] Until 1952, the statute provided no guidance on character determination where the statute did not bar a finding of good moral character, the standard was judicially defined on



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the court determined the alien was a “thoroughly law-abiding and industrious man, of good moral character,” and was otherwise eligible the alien became a U.S. citizen.^[12]

In 1952, Congress revamped the immigration and naturalization laws, passing the comprehensive Immigration and Nationality Act of 1952 (INA), also known as the McCarran-Walter Act.^[13] It provided the first definition for good moral character in the citizenship context.^[14] While the INA does not specifically define what “good moral character is,” Congress did explicitly state what it is not. [INA 101\(f\)](#) lists certain conduct that precludes a person from demonstrating good moral character.^[15]

The amendment also included a catch-all provision, stating that an alien may lack good moral character even if he or she does not fit into any of the eight enumerated classes.^[16] Judicial precedent holds that good moral character under the immigration laws requires adherence to the standards of average citizens in the community.^[17]

Thus, any conduct or act that offends the accepted moral character standards of the community^[18] in which the alien applying for naturalization resides should be considered without regard to whether the alien has been arrested or convicted of an offense.

In general, an alien applying for naturalization must establish GMC throughout the requisite periods of continuous residence in the United States.^[19] In prescribing specific periods during which GMC must be established, Congress generally intended to make provision for the reformation and eventual naturalization of persons who were guilty of certain past misconduct. The good moral character standard has proliferated throughout the INA and is now a prerequisite to eligibility for numerous immigration benefits.^[20]

C. Legal Authorities

- [INA 101\(f\)](#) – Good moral character definition
- [INA 316](#); [8 CFR 316](#) – General naturalization requirements
- [INA 316\(e\)](#); [8 CFR 316.10](#) – Good moral character requirement
- [INA 318](#) – Prerequisite to naturalization, burden of proof
- [INA 237\(a\)](#) – Deportable Aliens

Footnotes

^[^ 1] See [INA 101\(f\)](#). See [8 CFR 316.10\(a\)\(2\)](#). See *In re Mogus*, 73 F.Supp. 150, 152 (W.D. Pa. 1947) (“‘Good moral character’ which an alien seeking naturalization must prove results from acts and conduct of an individual, and is of such a character as measures up to the standards of average citizens of the community in which the alien resides.”).

^[^ 2] See [INA 316\(a\)](#). See [8 CFR 316.10\(a\)\(1\)](#).

^[^ 3] See Chapter 2, Adjudicative Factors, Section A, Applicable Statutory Period [[12 USCIS-PM F.2\(A\)](#)].

^[^ 4] See [INA 316\(e\)](#). See [8 CFR 316.10\(a\)\(2\)](#).

^[^ 5] See [INA 101\(f\)](#).

^[^ 6] See Section 1 of the Naturalization Act of 1790, ch. 3, [1 Stat. 103 \(PDF\)](#), 103–04 (March 26, 1790) (repealed 1795) (requiring that any alien applying for naturalization “mak[e] proof to the satisfaction of [a] court, that he is a person of good character”).

^[^ 7] See Section 1 of the Naturalization Act of 1795, ch. 20, [1 Stat. 414 \(PDF\)](#), 566 (January 29, 1795) (repealed 1802) (The word “moral” was added in 1795). See the Naturalization Act of 1802, [2 Stat. 153 \(PDF\)](#) (1802).

^[^ 8] See [INA 316\(a\)](#).

^[^ 9] See Basic Naturalization Act of 1906, ch. 3592, [34 Stat. 596 \(PDF\)](#), 597 (June 29, 1906).

^[^ 10] See Nationality Act of 1940, [Pub. L. 76-853 \(PDF\)](#), 54 Stat. 1138, 1142 (October 14, 1940) (repealed 1952).

[^ 11] *In re Spenser*, 22 F. Cas. 921 (C.C.D. Or. 1878) (first reported case to discuss good moral character - "The standard may vary from one generation to another, and probably the average man of the country is as high as it can be set.").

[^ 12] See *In re Rodriguez*, 81 F. 337 (W.D. Tex. 1897). Note that naturalization was under the exclusive jurisdiction of the federal courts until the Immigration Act of 1990.

[^ 13] See Immigration and Nationality Act of 1952, also referred to as the McCarran-Walter Act, [Pub. L. 82-414 \(PDF\)](#), (June 27, 1952).

[^ 14] See *Sugarman v. Dougall*, 413 U.S. 634, 660 (1973) (citing H.R. Rep.1365, 82d Cong.2d Sess., 78, 80 (1952), good moral character was intended by Congress to mean a broad attachment to the principles of the Constitution of the United States, and disposition to the good order and happiness of the United States).

[^ 15] See [INA 101\(f\)](#). See Revision of Grounds for Deportation; Conforming Regulations, [58 FR 49901, 49905-09 \(PDF\)](#) (Sept. 24, 1993) (The definition governing the "good moral character" criterion, set forth at 8 U.S.C. 1101(f), has intentionally been left open-ended.).

[^ 16] See [INA 101\(f\)](#).

[^ 17] See *United States v. Francioso*, 164 F.2d. 163, 163 (2d. Cir. 1947). See *Petition of De Leo*, 75 F.Supp. 896, 900 (W.D. Pa. 1948) (good moral character "results from acts and conduct of an individual and is of such a character as measures up to the standards of average citizens of the community in which the alien resides"). See Black's Law Dictionary (12th ed. 2024) (defining good moral character as a "pattern of behavior that is consistent with the community's current ethical standards and that shows an absence of deceit or morally reprehensible conduct). See [Matter of Sanchez-Linn \(PDF\)](#), 20 I&N Dec. 362 (BIA 1991) (quoting *Matter of B-*, 1 I&N Dec. 611 (BIA 1943) "we have long held that good moral character does not mean moral excellence and that it is not destroyed by a single lapse. Rather do we think it is a concept of a person's natural worth derived from the sum total of all his actions in the community.").

[^ 18] See *In re Mogus*, 73 F.Supp. 150 (W.D. Pa. 1947) (moral standard of average citizen). See [8 CFR 316.10\(a\)\(2\)](#) (The Service shall evaluate claims of good moral character ... taking into account ... the standards of the average citizen in the community of residence.).

[^ 19] See *Berenyi v. District Director*, 385 U.S. 630, 637 (1967). See [8 CFR. 316.10\(a\)\(1\)](#) and [8 CFR 316.2\(b\)](#) (the alien must demonstrate he or she is a person of good moral character by a preponderance of the evidence.).

[^ 20] See [Matter of Castillo-Perez](#), 27 I&N Dec. 664 (A.G. 2019). For example, see [INA 240B\(b\)\(1\)\(B\)](#) (voluntary departure) and [INA 245\(i\)\(1\)\(B\)](#) (adjustment of status for trafficking victims).