



## FAQ on Withdrawal of N-400 Naturalization Applications

June 2025

The U.S. Citizenship and Immigration Services' (USCIS) February 2025 Notice to Appear (NTA) guidance memorandum directs that an NTA be issued in some cases, even where the benefit request has been withdrawn. Recently, some practitioners have indicated that their requests for withdrawal of clients' naturalization applications have been treated with higher scrutiny than usual by USCIS. This FAQ attempts to provide practitioners with insight on when a withdrawal of the naturalization application may be appropriate, on the potential consequences of withdrawal, and what steps a naturalization applicants might otherwise take to avoid enforcement.

### Where can I find the authority on withdrawal of naturalization applications?

- [INA § 335\(e\) \(8 USC § 1446\(e\)\)](#)
- [8 CFR § 335.10](#)
- [USCIS Policy Manual, Volume 12, Part B, Chapter 4](#)
- [USCIS Policy Memorandum, "Issuance of Notices to Appear \(NTAs\) in Cases Involving Inadmissible and Deportable Aliens," Feb. 28, 2025](#)

### What is the process for submitting a request to withdraw Form N-400, Application for Naturalization?

Under current immigration law and policy, a naturalization applicant may request withdrawal of their application in writing. This generally involves reaching out in writing to the local USCIS field office adjudicating the application. The written request typically includes the representative's Form G-28, a cover letter, and the Form N-400 receipt notice copy and/or interview notice copy. A withdrawal request may be made prior to the case reaching a final adjudication.

### What action may USCIS take upon receiving a naturalization application withdrawal request?

USCIS is not required to accept or otherwise consent to a naturalization application withdrawal request.

As such, the agency may respond via email or otherwise in writing by requesting further information prior to accepting the withdrawal. Anecdotally, some examples of specific requests for information include USCIS asking:

- Why is the applicant requesting withdrawal of the N-400?
- Has there been a fundamental change in the applicant's desire to become a citizen based on criminal or moral reasons?

- Is the applicant's reason for withdrawal to avoid possible deportation due to a negative outcome of the case?

Practitioners should note that the process, law, and policy surrounding naturalization application withdrawal requests has not changed in the current administration. However, in the current climate, the way USCIS chooses to implement the law and policy may change. Generally, implementation may be a question of local field office practice. Practitioners should be cautious about how they approach withdrawal requests as it cannot be assumed that a field office that previously accepted withdrawal requests without question will continue to do so. In fact, even an inquiry into a pending withdrawal request may raise red flags.

Under statutory and regulatory law, where the agency does not consent to the withdrawal, the naturalization application is required to be adjudicated on its merits, and a final decision is issued accordingly. In doing so, under the recent NTA policy guidance, if USCIS finds that an applicant is deportable under INA § 237 or that the applicant was inadmissible at the time of admission to the United States, USCIS will issue an NTA unless the agency exercises prosecutorial discretion. Under the same policy, NTAs may also be issued in situations that are found to implicate national security, fraud and misrepresentation, and other grounds.

If USCIS accepts a naturalization application withdrawal request, the agency is required to inform the applicant that the withdrawal constitutes a waiver of any future hearing on the application. The agency will also send the applicant and their representative a notice acknowledging that the withdrawal request has been approved. This notice typically informs the applicant that all action on Form N-400 is terminated and that the applicant may apply for naturalization in the future. If a naturalization interview had been scheduled, USCIS might also send a notification cancelling the interview.

**Where a practitioner suspects that an applicant with a pending N-400 is deportable, was not properly admitted as a lawful permanent resident, or has otherwise become ineligible for naturalization due to criminal or good moral character grounds, what steps might the applicant take?**

- Thoroughly screen the applicant for deportability, proper admission, naturalization eligibility, and criminal history by reviewing all pertinent immigration and criminal history. This may involve reviewing the following: inconsistencies, discrepancies, or red flags in an applicant's prior immigration-related submissions; any evidence or testimony provided in support of those prior submissions; records obtained via pertinent FOIA request(s); and criminal background checks to confirm the applicant's eligibility for naturalization.
- Advise the applicant that they may file a naturalization application withdrawal request but ensure they understand the potential consequences of making this request, including:
  - A withdrawal request may flag their application for increased scrutiny regarding the reasons the applicant is seeking withdrawal.
  - The consequences of failing to respond to a request for further information (i.e., USCIS would likely decline to consent and then reach a decision on the merits).

- Inform the client of the USCIS policies concerning other actions an applicant may take, such as:
  - Failure to appear for an initial interview.
  - Failure to appear for a subsequent re-examination.
  - Failure to respond to a request for evidence.

### **What will happen if a client does not appear at their naturalization interview?**

When an applicant is scheduled for a naturalization examination and does not appear, the agency may administratively close the application without making a decision on the merits. When this occurs, the applicant has one year from the date of administrative closure to request, in writing, that the agency re-open the case. If the applicant does not request within one year that the case be re-opened, USCIS will consider the naturalization application to be abandoned and dismiss the application without further notice.

### **Can I advise my client not to appear at their naturalization interview or not to respond to USCIS's request for further information?**

Practitioners are not constrained from educating their client on what the USCIS Policy Manual dictates regarding how a naturalization application is handled where an applicant fails to appear at the examination, fails to respond to any request for information, or otherwise abandons their application.

However, practitioners should be mindful of the duty of candor owed to USCIS under both ABA Model Rule 3.3 and the federal immigration regulations at [8 CFR 1003.102\(c\)](#). While ultimately, the client is the one who must make an informed decision as to how they wish to proceed on their case, a client should understand that a representative is required to take reasonable remedial measures if the representative has offered material evidence to the USCIS they come to discover is false.

Importantly, in cases where a practitioner is considering withdrawing or otherwise terminating representation of a client, the practitioner must consult their local ethics rules regarding mandatory and permissive withdrawals of representation, particularly any provisions concerning “noisy” withdrawals that require disclosures to the tribunal.

### **Can an applicant submit another naturalization application if they previously requested withdrawal of a prior naturalization application?**

Yes. Assuming the applicant meets the subsequent requirements for naturalization, the regulations provide that an applicant may submit a subsequent naturalization application without prejudice.

### **Conclusion**

Screening for naturalization eligibility and deportability is critical from the outset. Where a naturalization application is pending, practitioners are encouraged to engage in routine case-

assessment to screen for potential problems. Practitioners should also get to know their local adjudicators and their local field office's practice. The USCIS field offices may handle withdrawal requests differently or may have different protocols regarding withdrawal requests. Therefore, it is important for practitioners to become familiar with their local field office's practices with regard to how it responds to withdrawal requests.

While withdrawal may be appropriate in some cases, in others it may lead to further questions and heightened scrutiny. It may also implicate ethical rules of professional responsibility. Overall, prior to submitting a request to withdraw a naturalization application, advise the applicant of the potential consequences of this request and their other options.