

US' new ‘good moral character’ rule: Flexibility or a tougher barrier to citizenship?

ET CONTRIBUTORS Last Updated: Aug 20, 2025, 02:04:00 PM IST

Synopsis

A new USCIS policy on Good Moral Character (GMC), effective August 15, 2025, raises concerns despite its seemingly flexible approach. While it aims for a "holistic" review, applicants may now face a higher burden to prove their worthiness beyond just lacking a criminal record.



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On the surface, the new [USCIS](#) policy memorandum on Good Moral Character (GMC), issued August 15, 2025, appears to be a welcome return to a more flexible, case-by-case evaluation for naturalization applicants. It rescinds a prior, more rigid policy and speaks of a "holistic and comprehensive" review. However, a closer reading of the text reveals a standard that could be interpreted as more rigorous and fraught with uncertainty for the applicant. There is reason to worry.

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The fundamental shift appears to be this: it may no longer be enough to simply lack a criminal record. The new policy explicitly states that an absence of “bad deeds” does not, by itself, equate to good moral character. This could place a new, affirmative burden on every applicant to prove their worthiness for citizenship. USCIS officers now appear to be directed to actively look for positive attributes, not just the absence of negative ones. The clean slate you thought you had may now be viewed as a blank slate—and a blank slate may not be considered good enough.

To put matters in context, this change could transform the nature of the GMC evaluation. Previously, an applicant with no criminal history could reasonably expect to meet the standard. Now, that same applicant, at least from the face of the policy, may need to build a case for themselves, demonstrating a proactive commitment to civic values and community standards.

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Perhaps more troubling is the policy's expansion of what can be considered disqualifying behavior. The guidance gives adjudicators immense discretion to scrutinize "any other acts that are contrary to the average behavior of citizens in the jurisdiction where aliens reside." This introduces a dangerously vague and subjective standard. What constitutes the "average behavior" of citizens? This is not defined by law but is left to the interpretation of an individual officer.

The policy provides examples such as "reckless or habitual traffic infractions, or harassment or aggressive solicitation." While these actions are undesirable, they often fall outside the realm of criminal law. A history of speeding tickets, for instance, which might have been a non-issue in the past, could now be aggregated and presented as evidence of a character that is "contrary to the average." The memo empowers USCIS to "question aliens...regarding the specific circumstances of their actions to determine if a particular situation or act should bar an alien from naturalization." This opens the door for wide-ranging inquiries into lawful, yet potentially frowned-upon, conduct.

As a practical matter, how should an applicant prepare for this potentially higher bar? The strategy should likely be proactive and comprehensive.

- **Build an Affirmative Case:** It would be prudent to actively document your good moral character. This goes beyond the required forms. Gather letters of recommendation from employers, community leaders, and neighbors. Compile evidence of volunteer work, participation in local organizations, and consistent, timely tax filings. You are, in effect, preparing a portfolio of your life that proves you are a deserving addition to the citizenry.
- **Prepare to Explain Everything:** Given the potential scrutiny of even lawful acts, it would be wise to be ready to address any part of your record that could be viewed negatively. This includes your driving record, any civil disputes, or any conduct that, while legal, might not align with a conservative interpretation of "civic responsibility."
- **The Narrative is Key:** A detailed personal statement is no longer just for complex cases; it may be advisable for everyone. This is your opportunity to frame your own story, highlighting your contributions, your commitment to U.S. values, and providing context for any part of your history that could be misinterpreted.

While the new policy's emphasis on a "totality of the circumstances" review can be a double-edged sword, this new guidance seems to sharpen the edge that can cut against the applicant. It could grant adjudicators the latitude to deny cases based on subjective assessments of an individual's lifestyle and conduct, even when no laws have been broken.

We hope that unreasonable denials and standards will not be implemented in practice. But even leaving the door open to the possibilities or arbitrariness is a matter of grave concern.

The ostensible restoration of discretion in GMC evaluations has come at a heavy price. The standard could now be interpreted as higher, the burden of proof may have shifted squarely to the applicant, and the criteria for denial may have become more ambiguous. Navigating the path to citizenship now requires more than just avoiding trouble; it could demand the active and meticulous construction of a case that proves, in the subjective eyes of the government, that you are a person of good moral character.

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