

# Citizenship Requirements for Employment in the Judiciary

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Current appropriations law prohibits the use of appropriated funds to pay the compensation of any employee of the U.S. federal government where the duty location is in the continental U.S. unless such person is a:

- U.S. citizen;
- person who owes allegiance to the U.S. (i.e., nationals of American Samoa, Swains Island, and the Northern Mariana Islands, and nationals who meet other requirements described in [8 U.S.C. 1408](#));
- person admitted as a refugee or granted asylum who has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or
- lawful permanent resident who is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B).

To comply with the requirement in the fourth bullet above, an individual must be a lawful permanent resident (have a green card) and apply for citizenship within a short time of first becoming eligible to do so. An individual is not eligible to apply for citizenship until he or she has been a permanent resident for at least five years (three years if seeking naturalization as a spouse of a citizen). When that occurs, he or she must apply for citizenship within six months of becoming eligible and must complete the process within two years of applying (unless there is a delay caused by the processors of the application). **NOTE:** A lawful permanent resident who is not yet eligible to apply for citizenship at the start of judicial employment may lawfully be employed by the judiciary, if the person submits an affidavit indicating the intent to apply for citizenship when eligible to do so. A sample form of this affidavit has been provided to the courts.

The appropriations law requirements apply to anyone appointed into a paid position within the judiciary in the continental U.S. The appropriations law requirements do not apply to employees with a duty station in Alaska, Hawaii, the Virgin Islands, Puerto Rico, Guam, or the Northern Mariana Islands, nor do the requirements apply to unpaid volunteers.

In addition to the above appropriations law, The United States Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS), mandates all federal government agencies in the continental U.S. comply with the Immigration Reform and Control Act of 1986 (IRCA) which states that federal government agencies must hire only U.S. citizens and aliens who are authorized to work in the United States. All individuals appointed by a judiciary office must complete the [Employment Eligibility Verification Form \(Form I-9\)](#) certifying their eligibility to work in the U.S.