CODOSSIER
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REF **LS-20261105-01D7AA**

Naturalization Intake: Petty Theft Conviction and Good Moral Character

US Naturalization Law · counsel-led intake · 17 turns · 92 nodes analysed · your edited tree

As of 2026-11-04, the case timeline's date (when the conversation happened, as the record establishes it). A soft clock is running: DHS referral or NTA at any time.

MERIT	CONFIDENCE	URGENCY	ROUTE
High · 82	Moderate · 43 %	Now	Verify first
value-weighted likelihood of the claims	1 of 12 key facts documented	a soft clock is running: DHS referral or NTA at any time	with one urgent step (Next Moves A1)

1 · REALITY CHECK — WHAT WAS ASKED, WHAT IS LIKELY

QUESTION · WHAT THE PARTY EXPECTED	LIKELY ANSWER	SEE
Is there a defensible position on the 2021 conviction?	**Qualified:** Yes: the offense was committed before the statutory period; this holds if sole-offense history and admission basis check out	→ **I1** T3 …
Does waiting past June 2026 help? *Expected: Waiting past June 2026 helps*	**Qualified:** That point passed before intake; any filing now clears June 2021; further waiting adds nothing statutory	→ **I1** T15 …

The conversation to avoid: Do not tell Maria the conviction no longer matters until the sole-offense history and conditional-residence status are confirmed. An early assurance discourages candid disclosure of other incidents.

2 · THE ISSUES THAT DECIDE IT

I2 Whether the 2021 theft is her only offense **SETTLED** INA § 237(a)(2)(A)(i)-(ii), 8 U.S.C. § 1227(a)(2)(A); Cal. Penal Code § 490; Garcia-Martinez v. Sessions, 886 F.3d 1291 (9th Cir. 2018) → **A1 · A2 · A4 · D1 · D2**
At stake: A second CIMT after admission makes her deportable under §237(a)(2)(A)(ii) regardless of sentence, and filing invites referral.
Likely: Holds if counsel's relayed history is accurate. §237(a)(2)(A)(i) fails on both elements, but sole offense and no suspended term rest on claims, not checks. *Resolves it:* FBI identity history summary and EOIR status showing no other record T5 · T7 · T9 · T10 · F:f08 …

I1 Whether the 2021 offense falls inside the GMC period **SETTLED** INA § 101(f)(3); INA § 316(a), (e), 8 U.S.C. § 1427; 8 C.F.R. § 316.10(a)(2) → **A6**
At stake: Decides whether a §101(f)(3) bar applies or only discretionary weighing does, and confirms filing now over waiting.
Likely: Outside: §101(f)(3) keys to commission date, and any filing from 2026-11-04 clears June 2021. Only §316(e) weighing remains, favorable on a single $180 theft. T14 · T15 · T16 · T17 · F:f06 …

I3 Lawful admission, conditions and residence never established **SETTLED** INA § 216, 8 U.S.C. § 1186a; INA § 318, 8 U.S.C. § 1429; INA § 316(a) → **A3 · A5**
At stake: Lawful admission and removed conditions are threshold eligibility. A defect forecloses approval and puts LPR status before USCIS.
Likely: Unknown: marriage-based LPR, divorced 2023. Conditional status, I-751 outcome and aggregate absences were never asked; the tree wrongly marks residence and presence 'not in play'. *Resolves it:* I-551, adjustment approval, any I-751 approval, and dated travel log T1 · T11 · T12 · T13 · F:f02 …

I4 Sworn answers and the form must match the court record **SETTLED** INA § 101(f)(6), 8 U.S.C. § 1101(f)(6); INA § 340(a), 8 U.S.C. § 1451(a) → **A4**
At stake: False oral testimony bars GMC through the oath. Written concealment carries revocation exposure without limitation.
Likely: Low: counsel committed to full disclosure. Residual exposure is a mismatch between Maria's account and court papers not yet received. *Resolves it:* Certified complaint, plea form and probation completion order T17 · F:f15 · F:f16 · N:3641ab16 · N:2a997889 …

Every other finding of the review is folded into these issues.

3 · NEXT MOVES

DO NOW, IN THIS ORDER

A1 Interview Maria privately on every arrest, citation, police or DHS contact, in the US and the Philippines *Counsel · this week.* A second CIMT creates deportability regardless of sentence I2

A2 Request an FBI identity history summary and check EOIR automated case status *Counsel · this week.* Confirms sole offense and no pending removal case I2

A3 Pull the I-551, adjustment approval and any I-751 approval; confirm whether residence was conditional *Counsel · before advising.* Unremoved conditions or a defective admission forecloses naturalization I3

A4 Read the certified disposition for subsection and suspended term; match every N-400 criminal answer to it *Counsel · before advising.* Fixes the §237 sentence element and sworn consistency I2

A5 Build a dated travel log for the 5 years before filing and total the days abroad *Both · before advising.* Trip length alone does not prove physical presence I3

A6 Lead the filing on commission date outside the period; plead the exception only as fallback *Counsel · before advising.* Avoids conceding a bar the statute does not reach I1

DO NOT

D1 Do not file the N-400 before the A1, A2 and A3 results are in. A second offense, pending NTA or conditions defect changes whether to file. I2

D2 Do not seek 1203.4 dismissal or 1473.7 vacatur to clean the record before filing. No immigration effect absent legal defect (Pickering); it delays filing and invites scrutiny. I2

4 · CLOCKS — COUNTED BY CODE FROM THE RECORD'S DATES

CLOCK	STARTS	PERIOD	STATUS · LAST DAY	RULE
Deportability window for single CIMT after admission *(added)*	Date of admission as LPR, March 2016 (2016-03-15)	5 years	**Expired** · 2021-03-15 (Mon)	INA § 237(a)(2)(A)(i), 8 U.S.C. § 1227(a)(2)(A)(i) **SETTLED**

Soft clocks (another party can move at any time): GMC continuing through the oath (dormant); DHS referral or NTA at any time; Post-judgment vacatur motion timing (dormant); Denaturalization exposure for concealment (dormant).

Dormant until their trigger: Statutory GMC lookback clearing the 2021 offense, 5 years from N-400 filing date; the lookback is 5 years back from filing and the offense

was committed June 2021.

5 · VALUE — WHAT IS AT STAKE, AND AGAINST WHOM

No claim carries an amount on this record. Not sized: Approved N-400 and oath for Maria Santos (US citizenship) (against USCIS), the swing, likely; Lawful permanent resident status (removal after N-400 filing) (against DHS (ICE/ERO), with USCIS issuing the NTA), the swing, exposure, remote; Denial or later revocation of citizenship for false testimony or concealment (against USCIS (FDNS)), exposure, remote. Missing pieces (7) says what sizes them.

Months from LPR grant to offense (§237 5-year element): `(offense_year - lpr_year) * 12 + (offense_month - lpr_month)` = **63**

Months from offense to as-of date (GMC look-back): `(asof_year - offense_year) * 12 + (asof_month - offense_month)` = **65**

6 · WHO ELSE IS ON THE OTHER SIDE

USCIS (field office adjudicating officer; FDNS). Holds the burden on the applicant, may weigh the 2021 theft as current-character evidence, and will see the disclosed arrest and conviction. *Next:* Fingerprint and background results arrive before the interview, and the officer examines under oath after filing (counsel plans to file once the packet is complete). `T16 · T17 · N:2273b0a8 …`

DHS (ICE/ERO). Can receive a referral from USCIS and issue an NTA; if it did, removal proceedings would halt the N-400. The record shows no referral. *Next:* Possible only after filing and the record check; no timing is shown. `T3 · T10 · N:e70e6d85 …`

California superior court clerk. Holds the certified complaint, plea form, probation order and fine proof; the request is outstanding. *Next:* Delivery of the requested copies, which counsel needs before filing. `T17 · F:f16`

7 · MISSING PIECES — RANKED BY WHAT THEY MOVE

#	WHAT TO GET	MOVES	STATE
1	Maximum sentence and no jail; Current CIMT and exception authority.	`sizes the swing`: Approved N-400 and oath for Maria Santos (US citizenship); Lawful permanent resident status (removal after N-400 filing)	Claimed · Not asked
2	Only arrest ever; Plea and sentence; N-400 filing date; Maria Santos wants to file an N-400 and has a 2021 petty theft conviction that, as the client stated, falls inside the good moral character period; Counsel will file as soon as the packet is complete, including her tax transcripts and a short declaration on her record since 2022.	`sizes the swing`: Approved N-400 and oath for Maria Santos (US citizenship)	Claimed · Not asked
3	Statute of conviction; LPR since March 2016; Admission date.	`sizes the swing`: Lawful permanent resident status (removal after N-400 filing)	Claimed · Not asked

2 further undocumented fact(s) move no claim's value and gate nothing.

8 · THE RECORD AND THE AUTHORITIES

The file rests on 12 key facts: 1 documented, 8 claimed, 3 not asked.

Documented or corroborated: Counsel holds the certified disposition; complaint, plea form, probation completion order and fine proof are requested, not received. (T17).

Read from the governing text in this run: Cal. Penal Code § 1473.7(b)(1)–(2); People v. Perez (Cal. Ct. App.), quoting the statute `SETTLED` (caselaw.findlaw.com) The opinion's text shows the clock is the reasonable-diligence standard in (b)(2), not a fixed period. It runs from a notice to appear or a final removal order. I did not read the code page's own (b) text.

Also relied on, from memory: INA § 316(a), (e); 8 U.S.C. § 1427; INA § 212(a)(2)(A)(ii)(II); 8 C.F.R. § 316.10; INA § 212(a)(2)(A)(ii)(II), 8 U.S.C. § 1182(a)(2)(A)(ii)(II); INA § 316(a)-(b), 8 U.S.C. § 1427; INA § 318.

Scores and dates are code's arithmetic on the record and the ranges above, not calibrated against outcomes. Only authorities marked read were read from their text in this run; confirm every other citation before reliance.