



NATURALIZATION

Numerous organizations working on naturalization issues have identified key administrative policy changes that could significantly improve the naturalization process. For the most part, these changes turn on increasing the transparency of the process and streamlining current procedures that are overly complicated or burdensome. This is an excerpt from a broader document on transition recommendations. For additional information, please contact Rosalind Gold or William Ramos at NALEO or Mary Giovagnoli or Maurice Belanger at the National Immigration Forum.

Background

Newcomers who apply for U.S. citizenship are motivated by a desire to demonstrate their commitment to the United States, and naturalization is a critical step that they take on the journey to becoming full participants in America's democracy. In fiscal year 2007, 1.4 million legal permanent residents—a near record number—applied for naturalization. The USCIS did not adequately prepare for this dramatic increase, and the agency has not kept pace with the increased demands on its workload. As a result, many newcomers have been confronted with lengthy processing delays, with the agency initially projecting a 16-18-month waiting time for applicants. While USCIS has made some progress in reducing application delays, according to the agency's most recent projections, there are still great disparities in waiting times in USCIS districts throughout the nation, ranging from five to 16 months.

In addition, a substantial number of applicants are mired in the backlog because of one specific type of delay in the application process—the FBI name check. This name check is one of the many background checks the USCIS requires to ensure that applicants are qualified for naturalization, but it is the most time-consuming, and is responsible for a significant portion of the delays in naturalization applications of more than a year. There is widespread consensus that our naturalization process must include effective measures to protect national security and prevent the naturalization of newcomers who do not meet the legal requirements for U.S. citizenship. However, some policymakers, including the USCIS's Ombudsman Office, have questioned whether the FBI name check has security value commensurate to the costs it places on the system.

Immigrants who are confronted with application delays, for whatever reason, do not receive adequate information about the cause of the delay and USCIS's efforts to resolve problems with their application processing. The agency has not established consistent practices throughout each of its district offices that allow those offices effectively to “troubleshoot” problem applications. Similarly, while community-based organizations that are familiar with the needs of immigrants can be important partners with the USCIS in addressing challenges in the naturalization process, the USCIS does not require each district to engage these groups on an ongoing basis.

In addition, the fees to initiate the naturalization process have jumped dramatically several times since the early 1990s; the most recent July 2007 increase brought the fees up to \$675. The USCIS has established a process for low-income applicants to obtain a fee waiver, but it is applied in an extremely discretionary manner. Moreover, there is no USCIS fee waiver form, and applicants must decipher on their own how to frame the request, and what supporting documentation to submit. The USCIS policy memorandum on fee waivers does not provide specific guidance on what factors will be taken into account in determining whether an applicant has an “inability to pay” the naturalization fee. This is especially challenging for applicants who are receiving or have recently



received a federal means-tested benefit, because they must go through the lengthy and burdensome process of re-establishing their low-income status, when they have already done so with another federal agency.

Additionally, in October 2008 USCIS implemented its re-designed naturalization exam. During the first year of implementation, certain applicants will be able to choose between taking the old test and the re-designed exam. Starting in October 2009, all applicants must take the new exam. In order to ensure that the new test does not become an unfair obstacle for applicants, advocates are currently working with the current Administration to ensure that the USCIS provides adequate training to its staff, and conducts an effective outreach campaign to educate service providers and applicants about the exam.

Finally, members of the military who pursue naturalization face unique bureaucratic challenges. Under the law, certain members of the armed services and veterans can apply for expedited naturalization, and the USCIS must waive their application fees. However, during their military service, some applicants have experienced difficulties in scheduling their interviews or obtaining access to information about the status of their applications. Others have had their applications erroneously rejected because they failed to submit payment for fees from which they actually are exempt.

Promoting naturalization offers the Administration an opportunity to highlight the contributions that immigrants are making to our nation's civic life, their choice to become "new Americans," and their commitment to exercising the rights and responsibilities of U.S. citizenship.

Recommendations

Create naturalization advisory committees in each district: USCIS should create naturalization advisory committees that meet regularly with USCIS district staff to discuss customer service issues and other challenges facing applicants.

Recommendations:

- Require USCIS to create a naturalization advisory committee in each district comprised of a broad range of naturalization assistance, adult education, and advocacy groups that fully represent the diversity of the immigrant population served by the district.
- Require USCIS to incorporate the implementation of such advisory committees into the performance objectives developed for its district personnel.

Establish "troubleshooting" units in each office for backlogged or problem cases:

Naturalization applicants should be able to contact designated personnel to obtain specific information about the reason for the delay in their applications and what actions the agency is taking to resolve it. In order to determine the most effective approaches for operating these units, the agency should undertake an assessment of those offices with the "best practices" for problem-case resolution.

Recommendations:

- Require USCIS to develop managerial and operational models that can be adopted agency-wide.
- Require USCIS to establish a special unit in each district office responsible for "troubleshooting" backlogged or other problem cases.



Assess FBI name check review: Serious questions have been raised about the utility of FBI name checks in promoting national security. Given the clear administrative problems and lengthy delays associated with the name check process, a thorough review of this process is long overdue.

Recommendation:

- Conduct an interagency assessment of the value and efficacy of FBI name checks in protecting national security and revealing useful information about applicants' eligibility for naturalization. This assessment should examine whether the name checks can provide relevant information that cannot be otherwise obtained from other naturalization background checks.

Streamline fee waiver applications: The problems related to the opaque process for obtaining fee waivers have been compounded by the exorbitant escalation of application fees. The Administration should streamline the waiver application process for certain low-income applicants.

Recommendation:

- Require USCIS to develop and widely disseminate a formal fee waiver application form, including a worksheet that would help applicants evaluate their eligibility.
- Change its fee waiver policy to make applicants automatically eligible if they submit proof that they qualified for or received a federal means-tested benefit within the last 180 days.

Make naturalization exam passage rates transparent: A meaningful review of the new examination will require development and dissemination of statistics about passage rates.

Recommendation:

- Require USCIS to share statistics on a regular basis with naturalization stakeholders which break down the portion(s) of the exam applicants failed and compare the rates of failure between those taking the new and old exams.
- Require USCIS to collect for dissemination all information related to naturalization denials (including failure for reasons not related to the exam), broken down by district office and national origin of the applicant.

Eliminate bureaucratic obstacles for members of the military: We should take every step to facilitate the naturalization procedures for those who have put their lives on the line to protect this country. Bureaucratic impediments to citizenship for members of the military disrespect their sacrifice.

Recommendation:

- Require USCIS to coordinate with the Department of Defense to implement a system that enables naturalization applicants in the military easily to obtain access to information about their application status while stationed abroad; and implement enhanced scheduling procedures to ensure that interviews for members of the military are scheduled as close as possible to where they are stationed.
- Require USCIS to improve its staff training and quality-control processes to eliminate the erroneous rejection of applications from members of the armed services who qualify for the fee waiver.