



The Narrowing Path to Citizenship

October 2019

[Rescue.org/immigration](https://rescue.org/immigration)



Naturalization, enacted by the first Congress in 1790, has long been a cornerstone of U.S. democracy, freedom, and liberty, enabling new Americans to integrate and contribute socially and economically. While Congress has established naturalization standards through the Immigration and Nationality Act (INA), current agency policies and practices are profoundly restricting the ability of eligible individuals to naturalize.

The International Rescue Committee (IRC) is a non-profit, legal service provider that works across the United States at the crux of humanitarian assistance and community integration. The IRC operates several programs across 26 offices, including refugee resettlement and workforce development, to serve those seeking freedom, protection, and opportunity in the United States. The IRC began providing legal services in 1958 as a Department of Justice (DOJ) recognized organization, addressing an urgent need arising when refugees were offered safe haven in the U.S. After the enactment of punitive immigration laws in 1996, the IRC reinforced its citizenship programming, expanding naturalization services to all of its U.S. resettlement offices. Citizenship services were further strengthened through a major gift in 2010 from Andy Grove. Grove, a refugee himself from Communist-controlled Hungary who received services at the IRC, went on to found the Intel Corporation. His investment boosted IRC's naturalization capacity by more than 300% over 7 years, and today IRC helps around 7,000 people become U.S. citizens annually.

IRC's naturalization services provide expert legal advice, assistance and education on civics and the rights and responsibilities of U.S. citizens. The IRC is a nationally recognized leader in naturalization, and is a founding member of the New Americans Campaign (NAC), which has assisted over 400,000 individuals to achieve U.S. Citizenship in the past eight years. As a part of the NAC, the IRC has contributed to an inclusive and robust approach to providing legal services for eligible legal permanent residents (LPR), also known as "green card" holders.

Over the past five years, the IRC has supported over 30,000 LPRs in achieving U.S. Citizenship. The IRC has witnessed countless stories of inspiration from these new Americans. Like Sa Phi, who escaped persecution and conflict in Burma. With both her parents gone, her elder brother and sister cared for her in camps with no running water or electricity, moving from one refugee

camp to another until they were offered an opportunity to rebuild their lives in freedom in the U.S. Sa Phi immediately got a job, and on her first day, removed her shoes as a sign of respect common in her culture. She soon realized this was not common in the US, and worked most of that day without shoes until she was finally able to find them, taking her first steps in learning American culture. She saw "how beautiful this country was" and looked forward to learning more about the US, integrating into her community, and eventually becoming an American citizen. Knowing no English, Sa Phi took classes while working, diligently practiced with friends and family, and supplemented school work by watching the news on TV. It took years of dedicated, consistent study before Sa Phi was able to pass the naturalization exam, becoming a citizen in her new home.



Sa Phi after being sworn in as a U.S. citizen in 2016.

Current Backlogs Delay Gains for Applicants and Communities

Naturalization is becoming an increasingly difficult process to navigate for those eligible to become U.S. citizens and for legal practitioners assisting them. While immigration laws have remained the same over the past few years, new policies and administrative procedures have significantly altered the path to citizenship. According to data available from United States Citizenship and Immigration Service (USCIS), the agency responsible for adjudicating naturalization applications, as of December 2018, the number of pending citizenship applications at the agency is more than 731,000 – double that of 2015. USCIS's stated goal for the naturalization process is five months.ⁱ Yet, processing times across the country are well surpassing this goal. Atlanta processing times now range from 11.5 months to 23 months, Houston from 13.5 to 22 months, and Baltimore 13 to 24 months.ⁱⁱ In May 2019, the Government Accountability Office (GAO) accepted a Congressional request to open an investigation into the USCIS backlog of immigration cases for the first time in a decade.

The impact of the backlogged cases and long processing times affect both the U.S. government and the applicant. The USCIS Ombudsman's office, an independent entity in the Department of Homeland Security (DHS), noted that prolonged processing times affect the ability of legal permanent residents to "reunite with families, progress in their careers, and fully integrate into the community with all the rights and responsibilities of an American citizen, such as participating in elections."ⁱⁱⁱ Voting is an important right and responsibility of an American citizen that is being delayed due to these exploding backlogs. With upcoming elections in 2020, the backlogs amount to disenfranchisement of communities who might otherwise be able to vote.

In addition, studies have long shown that individuals and the economy benefit overall when more immigrants become citizens. One study found that the U.S. gross domestic product (GDP) would increase between \$37 billion to \$52 billion over 10 years if those eligible obtained U.S. citizenship.^{iv} Delaying naturalization means delaying economic power and earnings at all levels of our economy, from the individual green card holder and their family to businesses and employers. USCIS recently stated that it "recognize[s] that while the individual applicants and petitioners are most directly

affected by backlogs, so too are U.S. citizen families and employers."^v

On February 12, 2019, 86 members of Congress sent a letter to USCIS inquiring about the delays. USCIS responded,^{vi} citing lack of adequate staffing, insufficient resources, and new policies among the reasons for the gross backlog of cases that has been growing for several years. USCIS shared that they failed to fill all authorized staff positions. This failure to fill authorized positions and thereby secure the appropriate level of staffing in spite of an ever-growing backlog highlights the need for USCIS to be held accountable for its personnel. USCIS should examine ways to make hiring and training more efficient for better use of resources to carry out their statutory mandate to efficiently process applications for immigration benefits.

USCIS must also be a good steward of its resources. In July 2019, USCIS Deputy Director Mark Koumans emailed staff asking them to volunteer to assist Immigration and Customs Enforcement (ICE) with administrative duties - a transfer of resources never authorized by Congress. Siphoning staff in the face of a debilitating backlog is an egregious mismanagement of funds and resources.

Because the agency has not adjudicated naturalization applications within the benchmarked timeframe, applicants with pending applications have an increased chance that their green card will expire while they wait in the backlog. This introduces the need for a separate USCIS application to renew their green card, adding additional work and expense to USCIS offices and service centers and increasing their caseload. Many benefits critical to the applicant's livelihood and continued economic contributions are connected to the expiry of the green card, which serves as proof for getting a driver's license and as proof of employment authorization. This means that applicants pending adjudication for naturalization may now have to go through an additional lengthy process to renew their green card in order to maintain transportation and employment while waiting for their citizenship applications to be processed. Previously, applicants in such situations could schedule appointments at the local field office to get an extension for their green cards, but changes in customer service have restricted this access point.

New Policies are Creating Additional Burdens for Low Income Applicants

USCIS has implemented a shift in caseloads between offices in an attempt to decrease processing times. Interviews for high volume offices are scheduled in other offices, often located in separate states requiring several hours of travel time for the individual or family. This increased burden and expense for the applicant acts as yet another barrier, particularly for non-wealthy, working applicants with limited access to transportation and time off from work.

USCIS recognizes that certain filing fees, including for naturalization, are beyond the reach of many hardworking immigrants. Because USCIS is almost solely funded through fees, fee waivers that are granted result in a greater fee for those immigrants who are able pay, not for US taxpayers. Yet, despite this, USCIS has proposed a change to Form I-912, Request for Fee Waiver, which eliminates means-tested benefits as evidence of eligibility. Means-tested benefits are the basis for the majority of fee waiver requests and provide the most straightforward evidence of eligibility. This attack on low income immigrants and communities would impact an estimated 15-20% of applicants who, without the waiver, would not be able to afford to apply for citizenship. These individuals have already completed a thorough assessment by a state or federal program and their income has been verified. The inefficiency inherent in re-establishing income levels and the increased burden for USCIS and applicants will further strain an already overwhelmed system.

The fee for naturalization has increased more than 650% in the last 20 years, and currently stands at \$725 including biometrics fees. USCIS has indicated it intends to propose a new fee schedule for FY20 in-line with requirements to conduct biennial fee reviews^{vii}. In the most recent fee review and adjustment in 2016, the fees for naturalization jumped significantly. The N-400 application for naturalization increased 8% (from \$595 to \$640 plus \$75 biometrics fee) and the N-600, which is for a certificate of citizenship for children who automatically become citizens when their parents naturalize, skyrocketed 95% (from \$600 to \$1,170). Anticipating another jump in fees, the IRC is concerned that high fees will put naturalization further out of reach and have a crushing impact on low income individuals and families. Compounded by the stripping of means-tested benefits from the fee waiver request, significant

fee increases will harshly target and restrict naturalization for anyone but the wealthy.

New Policies Unfairly Target Disabled Applicants

IRC's network of attorneys and DOJ accredited representatives practicing in twelve states allows us to track and analyze feedback and trends on USCIS operations and impact. IRC staff have noted alarming trends regarding interviews involving Form N-648, Medical Certification for Disability Exceptions. Following Congressional legislation in 1994, applicants with physical or developmental disabilities or mental impairments that prevent them from meeting the English and civics requirements for naturalization can receive an exception. Form N-648 is completed by a medical professional and submitted to USCIS. In December 2018, USCIS issued new policy guidelines for handling N-648s. IRC has observed officers erroneously applying the new policy to applications filed prior to the effective date, a situation drawn out by the long processing times and backlogs. Erroneous application of the new guidance has required significant advocacy on the part of the applicant with medical disabilities and/or their legal representative to even have the certification considered. For example, the new guidelines clarify that the form must be submitted at the time of filing, whereas previously it could be submitted at the time of interview. Failure to accept N-648s at the interview result in a failed exam, and two failures result in a denial of the application. This requires the applicant to reapply and creates a burden and expense for USCIS as well as the applicant.

Furthermore, IRC staff have noted that in some USCIS field offices, the new policy guidelines have emboldened a line of questioning at odds with the USCIS Policy Manual guidance that prohibits the officer from determining the validity of the medical diagnosis or concluding that the applicant does not meet the burden of proof simply because the condition was not previously disclosed in other immigration-related benefits. For example, one applicant had a medical disability that their doctor explained on the N-648. This condition was not listed on an overseas medical exam from five years prior. The USCIS officer cited this as a discrepancy and basis for denial despite the time that had lapsed, allowing the condition to worsen, or fact that the overseas medical exam serves a different purpose and does not screen for the type of disability relevant to the N-648. Officers have cited discrepancies based on the

ability of the applicant to obtain a driver's license, even in instances where they procured one using an interpreter.

USCIS falters on their Congressional mandate to rightly accommodate those with medical disabilities when there is inconsistent application of policy and inappropriate interviewing of applicants. Such treatment is a defenseless targeting of vulnerable populations and unjustly restricts access to naturalization. It is consistent with the USCIS Ombudsman's office finding that "[v]ulnerable populations—the elderly, less educated, or poor—face barriers to acquiring citizenship that are exacerbated by USCIS practices."^{viii} IRC staff have also noted harsher questioning of non-native English speakers during interviews. This is in direct conflict with USCIS's own instruction to officers to "provide professional and courteous service at all times and be fair and consistent in the treatment of all USCIS customers."^{ix}

USCIS is Closing Doors to Legal Residents

USCIS is becoming more insular and less responsive to applicants and legal practitioners. The InfoPass appointment system, which allowed applicants to directly schedule an in-person appointment with their local USCIS field office to address emergency requests and make other time-system requests and submissions, has been eliminated. Applicants must now call the USCIS Contact Center and speak with an officer who decides whether an appointment will be granted, and if so, schedules it. IRC often experiences call wait times of

several hours, and then is left waiting for a call back from USCIS that may come during the weekends or night when legal practitioners are not in the office or available. Missing the call means starting the process all over again. USCIS has shared that the applicant now waits an average of 4 to 5 days to attend an appointment versus around 9 days if they had self-scheduled the appointment. While this may seem like an improvement, this does not take into account the days applicants spend trying to get an appointment approved. In fact, the new system limits access and services for those with pending cases and makes the process less efficient. USCIS should restore the direct, self-scheduled appointments for in-person inquiries and abandon the burdensome routing through the contact center.

The shift away from a responsive agency focused on efficiently carrying out duties to adjudicate immigration benefits for applicants and promote citizenship was clearly and loudly signaled by the revision of the agency's mission statement in February of 2018. Removing "customers," the new mission statement is more focused on security and protection rather than competency to adjudicate benefits and ensure the integrity of the immigration system^x. This shift is now being seen in policy changes and in client experiences that act as barriers to narrow the path to naturalization for eligible legal permanent residents. The restrictive impact of these barriers is harmful not only to the integration of the individual, but also to the growth of our economy and communities.

The IRC recommends USCIS take the following actions to restore an equitable naturalization process:

- **Address policies that undermine fair access to naturalization and present additional barriers.**
 - Rescind new policy guidelines for N-648 medical waivers and restore previous guidance for adjudication officers.
 - Maintain a fair fee waiver request policy and rescind the proposed policy that excludes means-tested benefits as evidence of income level. **Members of Congress can ensure that naturalization remains accessible and affordable by supporting the Citizenship Affordability Act (H.R. 3328, S1862).**
- **Restore and improve service to applicants in-line with USCIS's mandate to efficiently and properly process and adjudicate applications and petitions.**
 - Restore the InfoPass appointment system for self-scheduled appointments.
 - Restore the previous version of the USCIS mission statement.
 - Ensure funds are appropriately focused on the mandate of USCIS and not diverted to enforcement.

Endnotes

- ⁱ USCIS Updates Projected Processing Times, August 11, 2008 <https://www.uscis.gov/archive/archive-news/uscis-updates-projected-naturalization-processing-times>
- ⁱⁱ USCIS Processing Times, September 10, 2019. <https://egov.uscis.gov/processing-times/>
- ⁱⁱⁱ “Annual Report 2016,” U.S. Citizenship and Immigration Services (USCIS) Ombudsman (June 29, 2016), 66-67: <https://www.dhs.gov/sites/default/files/publications/DHS%20Annual%20Report%202016.pdf>
- ^{iv} Pastor, Manuel and Justin Scoggins, “Citizen Gain: The Economic Benefits of Naturalization for Immigrants and the Economy,” Center for the Study of Immigrant Integration’s (CSII) (December 2012): https://dornsife.usc.edu/assets/sites/731/docs/citizen_gain_web.pdf
- ^v Hearing on Policy Changes and Processing Delays at USCIS before the House Committee on the Judiciary Subcommittee on Immigration And Citizenship on July 16, 2019 <https://www.uscis.gov/tools/resources-congress/testimonies-and-speeches/hearing-policy-changes-and-processing-delays-uscis-house-committee-judiciary-subcommittee-immigration-and-citizenship-july-16-2019>
- ^{vi} https://www.aila.org/advo-media/whats-happening-in-congress/congressional-updates/uscis-responds-to-letter-from-86-house-members?utm_source=AILA+Mailing&utm_campaign=269675a9af-AILA8_04_26_2019&utm_medium=email&utm_term=0_3c0e619096-269675a9af-291864421
- ^{vii} The [Chief Financial Officers Act of 1990](#) requires that USCIS conduct biennial fee reviews for the Immigration Examinations Fee Account (IEFA). Congress created the IEFA in 1988, establishing the authority to recover the full cost of immigration benefit processing.
- ^{viii} “Annual Report 2016,” U.S. Citizenship and Immigration Services (USCIS) Ombudsman (June 29, 2016), 68: <https://www.dhs.gov/sites/default/files/publications/DHS%20Annual%20Report%202016.pdf>
- ^{ix} USCIS Consolidated Handbook of Adjudication Procedures, vol. 12, ch. 2, part J. (Mar. 17, 2016); <http://connect.uscis.dhs.gov/workingresources/CHAP/Pages/HTML/CHAP-Volume12-PartE-Chapter2.aspx#S-A> (accessed Apr. 27, 2016)
- ^{ix} The current mission statement reads, “U.S. Citizenship and Immigration Services administers the nation’s lawful immigration system, safeguarding its integrity and promise by efficiently and fairly adjudicating requests for immigration benefits while protecting Americans, securing the homeland, and honoring our values.” The previous statement reads, “USCIS secures America’s promise as a nation of immigrants by providing accurate and useful information to our customers, granting immigration and citizenship benefits, promoting an awareness and understanding of citizenship, and ensuring the integrity of our immigration system.”

Acknowledgements

Written by Amber Mull

This report greatly benefited from the work, support and commentary of the following IRC staff: Jenn Piatt, Olga Byrne, Catherine Picker, Rachel Landry, and Alice Games.

Photo credits: Sally Peterson

International Rescue Committee

122 East 42nd Street
New York, NY 10168-1289
USA