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NATURALIZATION DELAYS: CAUSES, CONSEQUENCES, AND SOLUTIONS

HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

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NATURALIZATION DELAYS: CAUSES, CONSEQUENCES, AND SOLUTIONS

THURSDAY, JANUARY 17, 2008

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP,
REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:09 a.m., in Room 2141, Rayburn House Office Building, the Honorable Zoe Lofgren (Chairwoman of the Subcommittee) presiding.

Present: Representatives Lofgren, Gutierrez, Berman, Jackson Lee, Ellison, Conyers (ex officio), King, Goodlatte, Gohmert, and Smith.

Staff Present: Blake Chisam, Majority Counsel; Andres Jimenez, Staff Assistant; and George Fishman, Minority Counsel.

Ms. LOFGREN. The hearing of the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law will come to order.

Almost 1 year ago, this Subcommittee held its first hearing of the year to discuss the proposed immigration fee increase. Just like our hearing today, U.S. Citizenship and Immigration Services Director Gonzalez was our witness. At that time we discussed, what was described by the Director at the time, the need for an unprecedented 88 percent increase in immigration fees, including a 59 percent increase in the citizenship application fee. We were told at that time that this fee increase would solve several problems at USCIS, specifically a 20 percent increase in efficiency in adjudication of immigration and naturalization applications.

As you know, I was not pleased last year about the tremendous fee increase, especially for families attempting to naturalize. I was particularly concerned that the justification for such a large fee increase was based in part upon a poorly devised technology transformation plan. My staff and I spent the rest of the year working with you, Director Gonzalez, to try to address these concerns including helping to arrange volunteer assistance from Stanford University Computer Science Department and the Stanford School of Business.

Today I have not yet seen a satisfactory transformation plan, and instead USCIS is projecting a naturalization application increase in adjudication time of up to 18 months, up from what was usually less than 6 months just before the fee increase was implemented in August. If the fee was supposed to help the agency, I cannot understand why we are in a worse place today.

I have heard the explanation that the sharp increase in naturalization applications was unforeseen, but I can't understand how it was not foreseen. Just last week I asked the Congressional Research Service to analyze and report on the connection between fee increases and surges in naturalization applications.

Their preliminary report suggests not only that fee increases may have led to a spike in naturalization applications, but that several other factors in the past have caused surges, all factors that could have and should have been foreseen last year. I just can not understand how an agency whose mission it is to adjudicate applications have not done these types of analyses to prepare for increases in naturalization applications far in advance of implementing a fee increase, especially since it took CRS only a few days to do so.

If an analysis of this type was done, it is even more inexplicable why a work plan was not put in place sooner to prevent this tremendous new backlog instead of waiting 4 months after the fee increase to finalize the plan.

I have also heard the explanation that there was no way for the agency to have foreseen the high level of increase in naturalization applications. Unfortunately, it appears the work plan for any size increase, small or large, was not even finalized until long after the implementation of the fee increase.

I have asked repeatedly how it is that this Congress can help to provide the resources you need, Director Gonzalez, to manage this naturalization increase. In response, I immediately introduced a bill that garnered bipartisan support to assist you in hiring annuitants. I only wish the agency had sought that authority when you proposed your fee increase, again in what should have been a foreseen surge in naturalization applications.

I understand you have space and capacity issues. I wish the agency had raised this issue with us long ago. I am more than willing to do whatever I can to help with this and whatever other resource you may need to address this new backlog.

[The prepared statement of Ms. Lofgren follows:]

PREPARED STATEMENT OF THE HONORABLE ZOE LOFGREN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, AND CHAIRWOMAN, SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW

Welcome back Director Gonzalez. Almost one year ago, this subcommittee held its first hearing of the year to discuss the proposed immigration fee increase. Just like our hearing today, U.S. Citizenship and Immigration Services (USCIS) Director Gonzalez was our witness. At that time, we discussed what was described by the Director at that time the need for an unprecedented 88% increase in immigration fees, including a 59% increase in the citizenship application fee. We were told at that time that this fee increase would solve several problems at the USCIS, specifically a 20% increase in efficiency in adjudication of immigration and naturalization applications.

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Ms. LOFGREN. At this point, I would recognize our distinguished Ranking Member, Congressman Steve King for his opening statement.

Mr. KING. Thank you, Madam Chair. I have often spoken at naturalization ceremonies to welcome new citizens as full-fledged members of the American experiment in democracy and our constitutional Republic. And I do that to stress the importance of learning English and assimilating into American life and culture. And I point out that I joined the Director at a naturalization ceremony at the Old Executive Building on a Friday before the Fourth of July of 2007. It was a memorable day. We should most definitely encourage assimilation and naturalization.

I was troubled to learn of one of this Subcommittee's hearings on assimilation last year that the number of naturalizations has actually decreased over the last several decades. In the years before 1970, 82 percent of immigrants were naturalized; however, that number fell each subsequent decade to the point at which from 1990 to the year 2007, only 13 percent chose to naturalize.

U.S. Citizenship and Immigration Services has seen an enormous increase in the number of immigration benefit applications over the past several months. Many of those applications are for naturalization. In fact, it is my understanding that 1,059,793 naturalization applications are currently pending. Once an application is pending for 6 months it is considered backlogged, so many of those pending applications will soon be considered backlogged.

The surge in applications can be attributed to several factors, including the recent immigration benefit fee increases, the upcoming elections where there have been some hard pushes by a lot of organizations to increase the naturalization, and the acceptance of an

enormous number of employment-based adjustment of status applications. USCIS has the responsibility to process immigration benefits applications, including naturalization applications, in an efficient manner.

But let me strike a cautionary tone. In a rush to naturalize, we at all costs cannot witness a repeat of the Citizenship USA debacle of a decade ago. What was Citizenship USA? Let me quote from a statement that Judiciary Ranking Member Lamar Smith made in 1997 at an investigative hearing and I quote. "Citizenship is the greatest honor this country can bestow. No award, medal, or commendation surpasses the simple dignity conferred when a former alien gains the privilege to say 'I am a citizen of the United States.' this privilege is sought by millions of people around the world. It encompasses the right to travel freely, to hold almost any public office, and to petition for the immigration of relatives. Most importantly, it empowers a new citizen with the right and responsibility to vote and actually shape the future of our Nation. Among the many difficult challenges faced by the Immigration Service, none is more important than making sure that this honor is bestowed only on those who deserve it."

And I continue to quote from Lamar Smith's statement. "Citizenship USA was the Clinton administration's initiative to promote naturalization to process new applications. We are here today because, despite assurances to the contrary, more than 180,000 aliens were naturalized without having received complete background checks, resulting in the naturalization of substantial numbers of criminal aliens. As stated in yesterday's *Washington Post* '—this is a decade ago,' yesterday's *Washington Post*, and I quote from it—'The failings of the Citizenship USA have triggered one of the most damning indictments ever leveled at the Immigration Service that it has cheapened U.S. citizenship.' "

And continuing with Lamar Smith's quote, "The failures of Citizenship USA are an insult to the hardworking and law-abiding immigrants who truly earn this honor. It sullies them and cheapens their achievement. These failures also legitimize the residency of criminals in our community and endanger public safety. There is nothing wrong with encouraging naturalization or urging newly naturalized citizens to vote. There is everything wrong with overlooking criminal background checks, naturalizing criminals, endangering public safety and then concealing the extent of the problem."

In the district that I represent, we have individuals who were naturalized in the hurry-up process over a decade ago, called Citizenship USA. They have said to Representatives, elected Representatives, that they understood that part of their obligation was to go to the polls and vote for Bill Clinton. That motive is brought into question by those examples that I know of in the area that I represent. And I just bring that up not as an indictment of past history, but we need to learn from past history. And of all the things that we do here and we discuss, this is a surprise event in a way that numbers are greater than anticipated, USCIS needs to ramp up to deal with this. But the applications need to be verified and their legitimacy and their background checks need to be done thoroughly so that citizenship is not devalued and so that the election that is upcoming in 2008 doesn't have a negative pall cast over

it, that the integrity of every vote in America is measured equally. And that is my interest in this and, I believe, also the interest of Mr. Gallegly who asked me to mention his name with regard to these statements.

And I look forward to the testimony, and I yield back the balance of my time.

Ms. LOFGREN. Thank you, Mr. King.

I would now turn to the Chairman of the full Judiciary Committee, the Honorable John Conyers, for any opening statement he may wish to make.

Mr. CONYERS. Thank you, Chairwoman Lofgren. This is a very important hearing, and because you have covered literally the same points that I made and that I would have made in my opening statement, I just want to put mine in the record and make this observation. I go to a lot of swearing-in ceremonies in Detroit, and the excitement and the thrill of family seeing people sworn in to citizenship is moving to me. I go there for that purpose. And then, right outside the hearing room where the naturalization process is being completed, are registration places. You can register immediately after you are sworn in. And that is so exciting and so important.

And so I come here with the spirit that informs this Committee, is that this is really an important hearing, and I am so glad that you called it.

Now, three things. One, it is great to be bringing back the retirees, but I have already been told we need about 3,000 more, and my friend, Dr. Gonzalez, who is leading this off—and we are good friends, we are going to find out how good friends before the year is out because we have all got to perform together. He was in Detroit when we dedicated our new building, or new Immigration building, now, of course, a larger part of Homeland Security, and this isn't the most difficult Federal task we have ever faced. I mean, look, we need a lot more people and we need them fast.

Secondly, we need the fine counsel at the Department of Homeland Security to waive the gift rule. I mean, come on, how come one local government can't donate things to the Federal Government? We don't need to go to the Supreme Court to figure that one out.

And then, finally, there is the FBI name check issue in which here we have got the Federal Bureau of Investigation going over name by name, by hand, in all their dozens of offices, trying to figure out who is who, and how do we get to the name checks, and who is on the terrorist watch list. And it becomes a big cumbersome operation when all we have to do is recommend to our friend, Robert Mueller at the FBI, digitize your files, my man. That is all you have to do.

Now, the fact that it hadn't been done before won't help us now. But we have to expedite this process. We can't have people waiting who paid their dues, anxious to go, ready to become citizens, and we are saying, well, we are looking to see—we have 14 guys with the same last name all over the U.S. and it will take a couple months to figure this out, if this is the right one or the wrong one.

Let's get organized. And we don't even have to have a hearing with the head of the FBI to have this kind of meeting. The Chair-

woman can call him in and we can all meet with him and say, look, speed it up. Do the best you can and let's get this over with. So I thank you so much.

[The prepared statement of Mr. Conyers follows:]

PREPARED STATEMENT OF THE HONORABLE JOHN CONYERS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN, AND CHAIRMAN, COMMITTEE ON THE JUDICIARY

The failure of the Department of Homeland Security to plan for a surge of naturalization applications has placed us in a situation in which over a million deserving people will have their dream of American citizenship put off.

As a Committee, we have grappled with the immigration issue over the last year. We have learned that there are a number of areas of agreement. For instance, there is consensus that citizenship should be encouraged and eased for those who have played by the rules, and that immigration policy should encourage assimilation and participation in American culture.

There is no more important participation than the vote. All of us who are honored to attend naturalization ceremonies are struck by how seriously new Americans take that responsibility, and how excited they are to be able to cast their ballot.

When the naturalization fees were raised last summer, the only reasonable expectation was that there would be a surge in citizenship applications. That has happened in every prior fee increase. And that's exactly what happened this time. But there was little planning to deal with the increase in applications, and where there was planning, there was no urgency to implement the plan until long after the applications were submitted and the backlog was created.

Moreover, we were told by the Department of Homeland Security that if we went along with their 70% fee increase last year, we would see immigration applications adjudicated 20% faster than they were early in 2007. At the time, naturalization applications were being adjudicated within six months on average.

Now we have almost a million-and-a-half people who trusted that they would be able to become United States citizens and participate in the life of this Nation within six months, only to find out that they will be delayed by up to eighteen months, many say even longer.

Many of these people applied for citizenship because they wanted to become full contributors and participants in the United States of America. But as a result of these delays, they will have to wait and miss the most important action a citizen can take in a democracy—a vote in this year's Fall elections.

Transparent and efficient immigration procedures are a civil rights imperative, especially when other core constitutional rights are implicated. While we work on the one hand to make sure that protections are in place to prevent voter suppression, we have to also be on guard against a back-door disenfranchisement of new citizens.

This year, we will be paying close attention to activities that impede the ability of marginalized communities to go to the polls. In past elections, we've seen people excluded because of photo-identification laws and even just because there were too few voting machines in minority precincts.

We expect that the Department of Homeland Security will spare no effort to close this naturalization backlog and end this disenfranchisement.

Ms. LOFGREN. Thank you, Mr. Chairman.

If the Ranking Member of the full Committee, Mr. Smith, is able to attend, he will also be invited to make an opening statement.

In the interests of time and moving to our witnesses, I would ask unanimous consent that the statements of all other Members be submitted in the record within 5 legislative days and, without objection, all opening statements will be placed in the record. The Chair is authorized to declare a recess of the hearing.

[The prepared statement of Ms. Waters follows:]

PREPARED STATEMENT OF THE HONORABLE MAXINE WATERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, AND MEMBER, SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW

Madam Chair, thank you for organizing today's hearing on Naturalization Delays: the Causes, Consequences and Solutions. The growing delays in processing and completing naturalization applications has become a critical issue that, unfortunately,

appears to be getting worse—not better. In my area, the Los Angeles office of U. S. Citizenship and Immigration Services received over 185,000 applications for naturalization in the first 9 months of 2007. I've been told that by the end of 2007, the office in Los Angeles had approximately 145,000 applications pending, the largest number in the country. A 22% completion rate is not sufficient to me.

Unbelievably, in a period of unparalleled technological advancements, the Department of Homeland Security's agency responsible for approving citizenship requests, is actually getting slower and slower at processing applications. Granted, there has been an increase in the number of applications, but still, with the technology available in so many other areas, I do NOT understand why the average processing time is taking three times longer today than previously—what used to take less than 6 months, now takes up to, or, *exceeds* 18 months.

Just a few days ago, the *New York Times* published a very eloquent editorial, called "Refugees in the Cold." It highlighted the plight of refugees—from places like Iraq, Vietnam, and Somalia—who have lost limbs or their eyesight during violent surges in their old homelands. They have managed to build productive lives here in the United States, but because of DHS' failure to see the surge of citizenship applications that would be coming, too many of these refugees are now stuck in what the *New York Times* calls, and I quote, "a bureaucratic trap" by a "notoriously hapless citizenship agency" that has failed to complete the necessary background checks in time to meet the "palsied bureaucracy's inflexible deadlines."

No one at Homeland Security planned properly or sufficiently for the surge in applications that was expected to occur when the new fee increases were announced. Once again, DHS failed to prepare for the predictable. While we continue to clean up from the results of poor preparation in the Gulf Coast, we now have to fix the staggering backlog of naturalization applications.

I'd like to thank our witnesses for joining us today and look forward to your testimony as we consider the most timely and effective way to fix the dreadful backlog of pending applications for naturalization.

[The prepared statement of Mr. Schiff follows:]

PREPARED STATEMENT OF THE HONORABLE ADAM B. SCHIFF, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, AND MEMBER, SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW

I thank the Chairwoman for convening this hearing to discuss the naturalization backlog. These delays have had a significant impact on our communities, and I am hopeful that the testimony before this Subcommittee will help us find solutions to quickly resolve the processing delays.

In mid-2007, U.S. Citizenship and Immigration Services raised the processing fees for naturalization applications from $400 to $675—nearly a 70 percent increase. The fee increases placed a significant burden on many families that wanted to take steps to adjust their status and become American citizens. At that time, many Members of Congress raised concerns that the fee increase would hinder the naturalization of legal immigrants and their integration into American society.

It is not surprising that in the months leading up to the fee increase, the number of naturalization applications filed with USCIS grew tremendously, and consequently, so too did the application backlog and the waiting times for applicants. Between the end of Fiscal Year 2006 and 2007, the number of naturalization applications increased 96 percent, from 473,467 to 926,864.

This dramatic increase in pending naturalization applications is incredible, but it also is predictable and could have been avoided. The USCIS has announced several steps that it is now taking to resolve the backlog. In his testimony before the Subcommittee today, USCIS Director Emilio Gonzalez notes that the agency has begun hiring 1,500 new employees. They have also identified 700 retired employees to rehire.

Given the estimate of 16 to 18 month processing times for applications filed after June 2007, it is laudable that the USCIS has taken steps to reduce the naturalization backlog. But these steps are too little and too late. It still isn't clear to me why the agency didn't take steps sooner to address the potential backlog. Even with the new hires, there will be months between when employees are recruited, hired, fully trained and are able to make a dent in the application backlog.

Further, the delays are only exacerbated by the lengthy processing times for the FBI name checks of applicants. USCIS must coordinate better with the FBI to expedite these applications and impose a strict deadline on the FBI for the completion of background checks. Some applicants wait years for the name checks to be completed. In a recent lawsuit, an application for naturalization has been waiting nearly

five years for completion of the FBI name check. These delays are unacceptable, and I am a cosponsor of legislation that seeks to reduce FBI name checks to no longer than six months.

In my district in Southern California, I have heard numerous horror stories about endless waiting times for naturalization applications and the FBI name checks. I have had to hire additional caseworkers to assist my constituents navigating the bureaucratic naturalization process. I have heard too many stories from constituents that have told of the impact the application fee increase had on their family when they had been saving up to submit an application for citizenship. These stories are all the more devastating when they share their excitement about voting in the upcoming Presidential election—a fundamental step for a new citizen—and their sadness when they learn that their application may not be processed in time.

Through the debate over comprehensive immigration reform in recent years, it is clear that we all strive to encourage legal immigration. Any additional burdens, such as endless application processing times and significant fee increases, will only deter legal immigration. USCIS must examine all possible options to reduce the naturalization backlog, including the technological enhancements and the infrastructure modernization, which were components of the justification for the fee increase.

When the agency made its final announcement of its fee increase, it reaffirmed its commitment to reduced processing times and cited a processing time goal of five months. The agency must seek to meet that goal and its commitment, and report to Congress on its performance.

I thank the Chairwoman again for convening this hearing on this important subject matter.

Ms. LOFGREN. We will now go to our witnesses. Our first panel consists of Dr. Emilio Gonzalez who is the Director of the United States Citizenship and Immigration Services. Prior to his confirmation as Director in 2007, Dr. Gonzalez served as the Director for Western Hemispheric Affairs at the National Security Council and completed a distinguished 26 years' service in the U.S. Army.

Dr. Gonzalez earned his bachelor's degree from the University of South Florida in Tampa, his master's degree from Tulane and the U.S. Naval War College, and doctorate in international relations from the University of Miami.

With Dr. Gonzalez is Mr. Scharfen and Mr. Aytes as staff. They are not witnesses, but we are going to ask them to come forward and sit as resources to Dr. Gonzalez on technical issues to help respond to questions if there are technical issues that he wants to confer with them upon.

So we would turn to you now, Dr. Gonzalez, for your opening statement. As you know, your full written statement will be made part of the record. We do ask that your oral testimony consume about 5 minutes. And when your 5 minutes is up, the red light will go on as a warning to you. So we invite your testimony at this point.

TESTIMONY OF EMILIO T. GONZALEZ, DIRECTOR, UNITED STATES IMMIGRATION AND CITIZENSHIP SERVICES, ACCOMPANIED BY JONATHAN SCHARFEN, DEPUTY DIRECTOR FOR DOMESTIC OPERATIONS, AND MICHAEL AYTES, ASSOCIATE DIRECTOR FOR DOMESTIC OPERATIONS

Mr. GONZALEZ. Thank you. Chairman Conyers, Ranking Member Smith, Chairwoman Lofgren, Ranking Member King, and Members of the Subcommittee, I appreciate the opportunity to engage in dialogue and answer your questions about the dramatic increase in applications and petitions received at the U.S. Citizenship and Immigration Services in the summer of 2007 and how we intend to manage the resulting workload. I would like to invite USCIS Dep-

uty Director Jonathan Scharfen and Associate Director for Domestic Operations, Michael Aytes, to join me at the able.

Today I am here to testify about our naturalization workload, and I want to do several things. First, put that workload into context for U.S. background; second, share with you what we have done already to manage the workload; third, share with you what we plan to do; and lastly, share with you what we will not do. We will not compromise integrity or national security in the name of productivity.

Last summer we received an unprecedented number of applications and petitions for immigration benefits. In June, July, and August alone, USCIS received over 3 million filings compared to 1.8 million applications and petitions filed in the same period during the previous year. This was a sudden surge of significant magnitude. We received 1.4 million naturalization applications last year, 400,000 in July alone. Every application we receive is unique and every case we handle deserves special attention. These are not just number on a chart. These are people's lives in our hands.

USCIS employees understand that those who seek immigration benefits are demonstrating a desire to enter into our communities and enjoy the freedom and opportunity our Nation can provide. We applaud their commitment and their interest. We are committed to providing immigration services and benefits to eligible applicants as expeditiously as possible. Our goal is to implement the most immediate solution to this current processing delay without short-cutting our commitment to immigration integrity and national security.

Monitoring the situation in real time, USCIS was quickly able to respond to the increased volume and implemented steps to manage this new workload. As an agency, our first priority was to accept filings and provide applications with proper receipt notices as quickly and as efficiently as possible. We accomplished this by expanding work hours, adding shifts, and detailing 84 additional staff members to our service centers. We also hired additional contract staff.

As early as June of 2007, we were able to inform the public on the receiving process. And thanks to a committed corps of our service center employees, we were able to meet our commitment to process employment authorization cards for individuals within the 90-day regulatory requirement.

Building on the foundation of the new fee rule, we refined our human capital processes to more efficiently hire new employees, train them and get them to the front lines. In the past, we had resources to bring on and train one class of 24 students at a time. This year we will be able to conduct six classes of 48 students concurrently on a rolling basis.

USCIS is currently in the process of hiring 1,500 new Federal employees, of whom 723 will become adjudicators. In addition, we will bring on over 1,700 more Federal and contract employees to address the workload surge. In October of 2007, vacancy announcements for new adjudicators attracted more than 10,000 candidates in only 6 days. Last week the Office of Personnel Management approved our request to rehire experienced annuitants to further bolster our workload with temporary staff. This authority will help us

meet our hiring goals upon which our current production plan is based.

And I would like to take this opportunity to thank the Chairwoman for introducing legislation to support the USCIS hiring of retired annuitants. When we forwarded our request to OPM we made sure that they were aware of the actions Congress had taken in support of this effort.

We will couple our staffing with more traditional methods of managing a large workload by asking current staff to continue working overtime in shift work and detailing employees to areas that have been most heavily impacted by the surge. By maximizing the use the overtime early in the year, we will boost productivity with existing employees while we work on bringing on the new hires.

In addition to people, we are focused on technology. As part of our efforts to transform the agency from a paper-based environment to an electronic environment, we have identified technological initiatives that will have a lasting and positive impact. However, these and other combined efforts will prove worthless should we forsake integrity and sound decision making in favor of productivity over national security.

Since its inception USCIS has operated under a business approach that emphasizes integrity as an overriding consideration in processing, reviewing, and adjudicating applications and petitions. Our decision-making process today is more robust and thorough than it has ever been, an approach we believe to be consistent with our obligation to individual applicants and the Nation as a whole.

And since I am out of time, I will stop right there and leave the rest for the record.

Ms. LOFGREN. I thank you very much, Dr. Gonzalez.

[The prepared statement of Mr. Gonzalez follows:]

PREPARED STATEMENT OF EMILIO T. GONZALEZ

WRITTEN TESTIMONY PREPARED FOR
EMILIO T. GONZALEZ, DIRECTOR
U.S. CITIZENSHIP AND IMMIGRATION SERVICES

FOR A HEARING ON
"NATURALIZATION DELAYS:
CAUSES, CONSEQUENCES AND SOLUTIONS"

BEFORE
THE HOUSE JUDICIARY COMMITTEE
SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW

JANUARY 17, 2008

Introduction

Chairwoman Lofgren, Ranking Member King and Members of the Subcommittee, thank you for the opportunity to appear before you today to testify about the work U.S. Citizenship and Immigration Services (USCIS) is conducting to manage the dramatic increase in applications and petitions received in the summer of 2007. Mr. Jonathan Scharfen, Deputy Director of USCIS, is accompanying me.

Today, I will share with you how we are addressing this challenge by energizing our agency to handle this incredible task. Our plan focuses on the following areas, which will have an immediate impact on our workload:

- Staffing through multiple approaches, including but not limited to increasing the allowable overtime for key functions during the first half of this calendar year in anticipation of productive personnel coming onboard later this year;
- Enhancing our training programs to meet the demands of a fast-growing workforce that needs to be both productive and well-equipped to deliver high-quality immigration services;
- Incorporating creative approaches to our adjudication processes by increasing output without negatively impacting quality; and
- Increasing efficiencies through the use of improved information technology.

Our goal is to resolve this current processing delay as immediately as possible without taking shortcuts in the process that compromise national security or the agency's integrity.

I will frame our discussion around five themes:

1. I will describe the challenge, to include the nature and dimensions of the surge;
2. I will explain what we have done to date;
3. I will explain what we are planning to do in the future;
4. I also will share with you what we will not do, in particular, not compromising integrity for the sake of production; and finally
5. I will tell you where these actions will take us in terms of processing times.

The Challenge

In the summer of 2007, we received in excess of three million applications and petitions for immigration benefits. Such volume in just a short couple of months is unprecedented in the history of immigration services of our nation. (See attached chart).

Historically, there have been increases in naturalization filings in advance of fee increases, Presidential elections, immigration debates, and new legislation. Still, none of the past increases compare to the magnitude of the surge we experienced this summer. Most surges relating to a fee increase are followed by a commensurate dip in filings, so that annual numbers generally even out. This is unlikely to be the case this year. Additionally, this naturalization filing increase was contemporaneous with the opening of the employment-based visa window in the July Visa Bulletin, a window that had not been opened fully in many years. USCIS received approximately 300,000 adjustment of status applications this summer. With the related work authorization and travel document requests, this workload equates to approximately 800,000 applications.

In June, July and August alone, over three million immigration benefit applications and petitions of all types were received, compared to 1.8 million applications and petitions received in the same period the previous year. In Fiscal Year 2007, USCIS received nearly 1.4 million applications for naturalization, nearly double the volume received the fiscal year before. For the months of June and July 2007, the spike in naturalization applications represented an increase of nearly 350 percent compared to the same period in 2006. This was a significant surge, as our chart illustrates.

Please understand that at USCIS we view the surge as very good news in that applicants for these immigration benefits are demonstrating a deep desire to participate fully in our country's civic life. This is a good thing. Applying for citizenship and immigration benefits is more than an administrative process; it is a life-changing event. At USCIS, we are committed to providing immigration services and benefits to eligible applicants as expeditiously as possible.

What We Have Done to Date

We immediately implemented steps to manage this new workload. As an agency, our first priority was to accept filings and provide applicants with proper receipt notices as quickly and efficiently as possible. In an average month, USCIS receipts are about 530,000. The three million applications and petitions received in June, July and August, 2007, initially exceeded our capacity. We addressed this sudden increase by expanding work hours, adding shifts, and detailing 84 staff to our Service Centers. We also hired additional contract staff. As early as June of 2007, recognizing the impact that a receipt delay would have on customers, USCIS began advising the public on our website regarding the status of receipting progress. Since then, we have also published and updated "Frequently Asked Questions" on the USCIS website, participated in various community forums, and updated our customer service hotline with information to respond to questions from the public.

Due to these measures and the truly remarkable efforts made by employees at our Service Centers, we were able to meet our commitment to process employment authorization cards for individuals within the 90-day regulatory requirement. We resolved the receipt delay for adjustment-of-status applications by November, with all remaining naturalization receipt delay cases completed earlier this month. We currently are receipting pending Form I-130s, Petitions for Alien Relatives, filed in a Lockbox in October, but expect to complete this receipting by early February.

At the same time, we began to work on a response plan that would address the workload beyond this first stage. The plan is constructed with innovative approaches to maximize our resources and relies on our most valuable resource—human capital—while also leveraging technology and instituting key process changes. Fortunately, we were able to build upon the foundation of planning and work that was designed to implement the new fee rule. The new fee rule was designed to provide necessary funding for the agency to continue strengthening the security and integrity of the immigration system, improving customer service, and modernizing business operations for the 21st century. To that end, we began to work on new paradigms for hiring and training and are prepared to hire and train quality employees at a faster rate than previously available.

Under the new fee structure, USCIS has begun hiring 1,500 new employees, of which 723 are adjudicators. These adjudicators will be trained through our newly created BASIC immigration training program, which includes both classroom training and on-site practicum at the National Benefits Center, a Service Center and a District Office. In the past, we had trained one class of 24 students at a time at the Federal Law Enforcement Training Center. This year, we are utilizing commercial training facilities where we will be able conduct six classes of 48 students concurrently on a rolling basis. The new capacity will support bringing well-trained new hires on board as quickly as possible. Classroom training will occur at select USCIS Academy Training Center locations throughout 2008 and into 2009.

Initial announcements for new positions were posted in USAJOBS.gov on October 26, 2007. That announcement attracted more than 10,000 applicants in only six days. To date, we have hired more than 580 permanent staff, including more than 274 adjudicators. Almost 70 were temporary staff already trained and have successfully transferred to permanent positions. USCIS is also using Federal Career Intern Program hiring authority to fill Adjudications Officer positions. More than 173 selection certificates have been provided to managers in the locations where new hiring will take place.

In addition, the Office of Personnel Management has approved our request to authorize us to re-hire experienced annuitants to further bolster our workforce with temporary staff. This authority will help us meet hiring goals upon which our production plan is based. To the extent that an annuitant has the ability to be productive more quickly than a new hire, we anticipate that use of annuitants would reduce processing times. There is a database with the capability to identify former USCIS personnel. We have identified 704 former USCIS employees through our database who have retired. Of those, 469

individuals were in adjudication-related positions. Also, the other immigration agencies have databases for former employees who at one time worked for legacy INS.

In addition, we will employ the more traditional methods of managing a large workload by asking current staff to continue working additional overtime and shift work and detailing employees to areas that have been most heavily impacted by the surge. By maximizing use of overtime early in the year, we hope to boost productivity with existing employees while we work on bringing the new employees on board.

We realize that such a sustained effort associated with managing this workload will require continuous communication with our employees and stakeholders. Agency-wide communications from senior leadership have kept employees and stakeholders informed about the agency's application surge situation, including steps being undertaken to remedy the delays, and reinforcing expectations for integrity in processing applications. Similarly, USCIS field operations and Service Center teams meet regularly to discuss the workload impact and work together on opportunities for operational efficiencies and adhering to processing guidelines. We intend to continue this communication to keep customers and key USCIS stakeholders informed of our progress as we address the backlog.

What We Will Do

Our response plan has three core elements to address the surge: staffing, technology, and process improvements.

As part of our efforts to transform the agency from a paper-based environment to an electronic environment, we have identified technological initiatives that will have a lasting positive impact on adjudication processes. In Fiscal Year 2008, we plan to expand on the Systems Qualified Adjudication process, an automated process for certain application where individuals are already qualified and in the USCIS database. These will include, for example, replacement of an expired permanent resident card or temporary employment authorization.

Systems Qualified Adjudication has been very successful in completing the processing of Temporary Protected Status renewal applications, and we want to leverage this success. While these technologies will not be applied to naturalization applications, the efficiencies gained will allow for a greater amount of adjudications efforts to be placed on naturalization. Other technology enhancements include improving the background check process and the capability to produce system-generated Naturalization Certificates.

We are also adjusting some administrative procedures. We plan to centralize the intake of naturalization applications to a Lockbox and move the pre-processing of these applications to the National Benefits Center. This will improve the consistency of service throughout the country by standardizing intake processing. USCIS is reviewing the naturalization examination process to determine whether any additional efficiency can be achieved, including the possibility of having a USCIS officer, other than an adjudications officer, administer the civics and history test. By making such adjustments, however,

more adjudicator time would be available to concentrate on adjudicating cases, improving their ability to make sound decisions, and to focus on fraud detection.

The surge plan anticipates hiring close to 1,800 individuals. This includes extending about 370 temporary staff to permanent positions, nearly 900 Federal employees and more than 500 contractors, all in addition to those we planned to hire under the fee rule. We will also hire more temporary adjudication officers, and administrative and information technology support staff. We will build on the recruitment and hiring already underway to hire these new employees.

With respect to resources, we plan to utilize and spend over two years worth of fee revenue generated by surge applications estimated at $450 million and $480 million. A response plan detailing the use of these dollars is currently being considered by the appropriation committees.

What We Will Not Do

It is important that everyone appreciate what we will not do. We will not forsake integrity and sound decision making in favor of increased productivity, or compromise national security. Similarly, we will not lose momentum on transformation and other technology enhancements.

Since its inception in March 2003, USCIS has operated under a business approach that emphasizes integrity as an overriding consideration in processing, reviewing, and adjudicating applications and petitions. Our decision-making process today is more robust and thorough than it has ever been—an approach we believe to be consistent with our obligation to individual applicants and the Nation as a whole.

Some key enhancements to our process include the following:

- The creation of our National Security and Records Verification Directorate to oversee fraud cases;
- The establishment of a Transformation Program Office to guide vital improvement of the agency through business modernization, information technology enhancements, and long-term resource allocation to update the agency and its infrastructure for 21st century service delivery; and
- Improved USCIS web-based services and tools that allow our customers to schedule appointments, change their address, access the status of their case online, and submit certain applications through e-filing.

Where Does this Take Us?

This surge will have a serious impact on application processing times for the next couple of years. As a result, based on our response plan, most customers will wait much longer to have their applications completed. As we have reported, the average processing time for naturalization applications has increased from the current average of seven months or less to approximately 18 months. Family-based adjustment-of-status applications increased from the current average of six months or less to 12 months. Our two-year

response plan will help us accomplish reducing processing times to six months by the third quarter of Fiscal Year 2010.

Conclusion

I believe this hearing and the meetings I have had with many of you provide an opportunity for a healthy dialogue on this subject. I look forward to hearing your views and input as to how we are managing this workload. USCIS understands the need to balance and prioritize work to ensure the best possible service for all our customers without jeopardizing national security or the integrity of the adjudications process. As our agency moves beyond the limitations of its previous fee structure, we remain committed to our promise of maintaining the integrity of our immigration system and providing the service our customers seek and deserve. I welcome any questions you may have.

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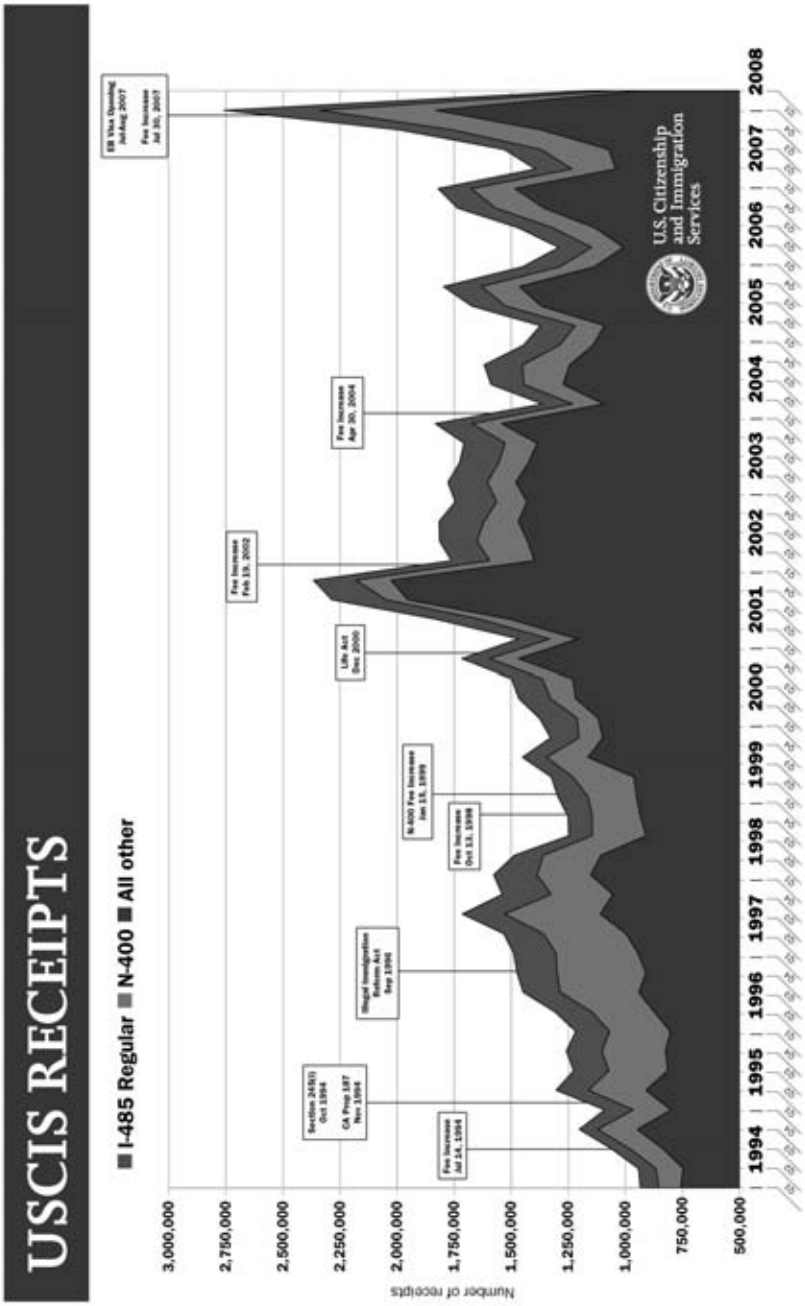
ATTACHMENT


USCIS RECEIPTS
I-485 Regular
N-400
All other
Number of receipts
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2,750,000
2,500,000
2,250,000
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1,750,000
1,500,000
1,250,000
1,000,000
750,000
500,000
1994
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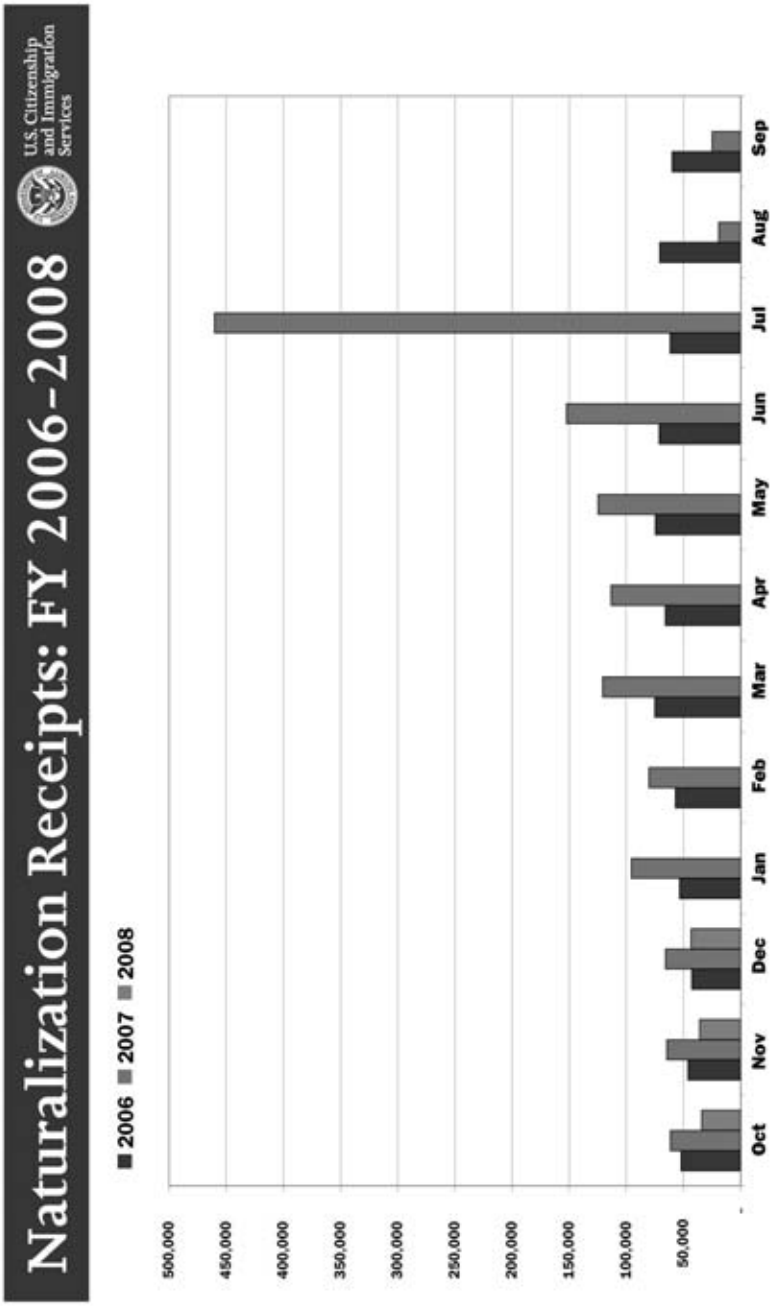
EB Visa Opening Jul-Aug 2007
Fee Increase Jul 30, 2007
Fee Increase Apr 30, 2004
Fee Increase Feb 19, 2002
LIFE Act Dec 2000
N-400 Fee Increase Jan 15, 1999
Fee Increase Oct 13, 1998
Illegal Immigration Reform Act Sep 1996
Section 245(i) Oct 1994
CA Prop 187 Nov 1994
Fee Increase Jul 14, 1994
U.S. Citizenship and Immigration Services


Naturalization Receipts: FY 2006-2008
U.S. Citizenship and Immigration Services
2006
2007
2008
500,000
450,000
400,000
350,000
300,000
250,000
200,000
150,000
100,000
50,000
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Oct
Nov
Dec
Jan
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May
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Aug
Sep

Ms. LOFGREN. We will now go into the time when Members have an opportunity to pose questions to you, and I will begin.

I understand from you and your staff that the agency signed an MOU, a Memorandum of Understanding, with the FBI last year to address the background check issues, and that it was anticipated that the improvements in the business processing aspects with the FBI and the additional staff and the like would result in a 40 percent improvement on the backlog, but that, in fact, it didn't turn out that way and that you are continuing to work with the FBI to try and improve this backlog situation.

Along with that, I know, for example, in my own district, companies that have key employees that, some of these people have waited years and are now bringing mandamus actions in Federal Court to require the FBI to either say yes or no, you know, after 4 or 5 years. I am wondering where we are with the FBI. What is anticipated in terms of backlog reduction? And also how many lawsuits have been brought against the agency because of the FBI name checks? What is the status of those lawsuits? How many are still pending? And if you can just give us a glimpse into the future of that.

Mr. GONZALEZ. Thank you, Madam Chair. The FBI name check issue is one that has concerned me, quite frankly, since I started in this job. And the reason it is so concerning is because even though the FBI is responsible for conducting these name checks, when an applicant delivers their packet to us, we are the face of the U.S. Government. They look to us to adjudicate their file. A lot of times it is very difficult for them to understand, well, we gave it to another agency to work on.

My deputy, Jonathan Scharfen, came on board in July of 2006, and, recognizing the criticality of the FBI name check issue, because it touches everything we do—it touches our legal department, I get sued 500 times a month. I can tell you, I can break that down how many of those are mandamus. My legal—Office of Chief Counsel spends an inordinate amount of time defending me in court. A lot of judges out there are very frustrated with the number of immigration cases they have to hear.

Ms. LOFGREN. Do you know how many there are in terms of on the FBI check per se?

Mr. GONZALEZ. We have had over 5,000 lawsuits filed last year and 80 percent of those involve name check issues.

Ms. LOFGREN. Wow.

Mr. GONZALEZ. In addition to, I might add, this affects our agency because of the FOIA requests. Our agency, USCIS, is responsible for about 80 percent of the outstanding FOIA requests that the Department receives, because folks are frustrated and they figure if they can't get an answer one way they will get an answer——

Ms. LOFGREN. So the picture I am getting is, although it is handed off to the FBI and it is they who have not provided the information, not you, this is gumming up the works for your agency as well because of FOIA lawsuits.

Mr. GONZALEZ. The net effect is that we are the ones on the front lines and we are the ones who have to deal with it. The point I was getting to is when I brought Jonathan Scharfen as my deputy, I

wanted to elevate this as high as I possibly could, and Jonathan has been charged since day one with engaging the FBI and working with them to come to an agreement on how best we can move these files while not sacrificing integrity or security.

Ms. LOFGREN. Nobody is suggesting that, but we want this to be done efficiently and promptly.

Mr. GONZALEZ. Yes, ma'am. And if I may, I would like to defer to Mr. Scharfen, who has actually been running this day by day and was instrumental in crafting and moving forward that MOA with the FBI.

Mr. KING. Madam Chair, just a point of inquiry. As the witnesses speak, may I ask a question of the Director on the record?

Ms. LOFGREN. Yes, absolutely.

Mr. KING. Thank you for that clarification.

Mr. SCHARFEN. Thanks you, Mr. Director. The FBI name check process, as you understand we have been working with both the FBI and with this Committee to ensure that we start to implement first some process improvements and also some resources, plussing up the resources on that.

As to the process changes, we did enter an MOA that looked at the type of cases that were being reviewed between the FBI and the USCIS, came to an agreement based on both efficiency and national security grounds that we were comfortable on and ventured that MOA. Unfortunately, as you mentioned, ma'am, it has not produced the numbers on the current workload that we expected. However, it has shown some benefits in terms of this surge. What we have not seen is an increase in the numbers of FBI name checks since this surge work.

Ms. LOFGREN. I can see my light is on. I will take the privilege of the Chair to go over slightly. We may want to have the Director come in, and you as well, because the FBI needs to explain what they are doing as well, and why the files have not been digitized.

Just briefly, as the Ranking Member was talking about how moving it is to go to these citizenship hearings, I remembered a swearing-in in San Jose, and a little girl who must have been about 7 or 8 years old, literally doing cartwheels after the ceremony and saying yea, Mommy, you are now an American like me.

It was such a precious moment and that is really what is at stake there. All these people who want to be Americans, and it is so important that those who are eligible be able to join us as Americans here today. And that is why this hearing is being held. So I will stop now and recognize the Ranking Member for his questions.

Mr. KING. Thank you, Madam Chair. And picking up with that theme, I would note remarks made by the Director in the Old Executive Office Building to those who were recipients of citizenship that day and he pointed out the window and said, look out the window of that house next door—that is the White House, by the way—and the occupant of that house after this day is no more American than you are.

You couldn't do that in another setting in America, and that is something I will always remember.

Director, I appreciate your testimony, and I take you back to my opening remarks about Citizenship USA. I would ask are you

aware, are there any staff people that you have today that were involved with Citizenship USA back in 1995 through 1996 era?

Mr. GONZALEZ. Thank you for the question. If I could just regress a little bit, Madam Chair, nobody takes naturalization more seriously than I do. I am a naturalized citizen and, in fact, in a lot of the ceremonies I conduct, when I read the oath it is a copy of the oath that I signed when I was 12 years old. And it is the immigration file that I had pulled out, and it is the same oath and I, too, get very moved. So we take our work very, very seriously and that is why we are putting forth the effort that we are doing to address this.

Sir, with regard to Citizenship USA, the answer is yes. Quite frankly, that was about 10 years ago, 12 years ago. Much of our staff today was around when Citizenship USA happened. I will tell you that one of the things that we did, quite frankly, is as soon as we started working on our plan to address this backlog, is I pulled out the report from the IG in the Department of Justice on just what went wrong with Citizenship USA. We read it, we passed it around, we had our senior staff read it. And the issue was, there were really grave mistakes that were committed in Citizenship USA in an effort to move files, to move people to naturalization. And we wanted to make sure that those were not repeated and we wanted to sensitize our leadership that there is a right way of doing things and a wrong way of doing things, and we are not going to sacrifice quality and we are not going to sacrifice security for the sake of production. The results of that IG investigation, sir, are very damning back then, and we want to make sure that we do not repeat that.

Mr. KING. And yet, Director, you are under significant amount of pressure to be able to deal with this backlog that is a bubble on the graph as I look at it.

And now a little bit about workload from my private-sector life, and when I see an annual workload there, I try to figure out how I am going to do an equivalent amount in each week and month to be able to arrive at that goal. Because I want to avoid the idea of putting on a temporary staff and then laying off that temporary staff and adjusting to that as if it were an emergency. I would rather be able to swallow that incrementally.

How can you level that thing out and get that done in that fashion? And I think I would take it to this other question which is—in my remarks I took it back to the 13 percent that asked for naturalization in more recent years, and I understand those numbers have jumped up dramatically. That is why we are here. But what has been the patience level of lawful permanent residents in the process toward citizenship? Can you tell me what the average number of years that one will wait before they actually apply for citizenship and want to move ahead? Five years is the statute, but is it 10 or 12 or 20; what do we normally see?

Mr. GONZALEZ. Sir, we don't have that level of detail on that information. I can tell you anecdotally that a lot of people applied for citizenship this past summer who had been legal permanent residents for quite some time. And I will add—and I will be very, very frank with you—this is a good thing. That people want to be citizens of this country is a marvelous thing. We have to do our part.

But they have done their part. And the fact that folks want to no longer be observers of the American scene but be participants in the American scene should be applauded. And I say what I mean because everywhere I go and I give a speech for a naturalization ceremony, I encourage people to become citizens. That is the only way your voice will be heard.

Mr. KING. I am very well aware of that, Director, having witnessed that myself, and I appreciate that sentiment and share that with you. Also in my opening remarks, I mentioned about 180,000 who were naturalized during that citizenship USA process that probably should not have been.

Do you have any information on the numbers of those people that would have had their citizenship revoked, and could you speak about how difficult the citizenship revocation process is? And would you in fact agree it is, for practical purposes, irreversible?

Mr. GONZALEZ. Yes, sir. ICE, the Immigration and Customs Enforcement, is the agency responsible for revocation of citizenship. It is extraordinarily hard to take citizenship away from an individual once it has been granted. I will defer to Deputy Director Scharfen here for more details on that.

Mr. SCHARFEN. Yes, sir. We don't have the numbers of how many were denaturalized from that process. There were a number of proceedings that were initiated. However, as the Director pointed out, it is a very difficult process and it is incumbent on us to get the process right on the front end, and that is why we have the naturalization quality procedures in place that were born of that 1996 experience. And that does two things: One, it sets in procedures that have to be followed very carefully in all the naturalization process for our adjudicators; and then there is a quality control on top of that where you have quality control officers and supervisors checking off the naturalization process to ensure that those procedures are being implemented. And those procedures range from doing the security checks properly to making sure that the A file is collected properly. And that it is done very carefully, according to these procedural checklists that the officers work from.

Mr. KING. Thank you. I will submit a couple of questions for the record. And I yield back to the Chair.

Ms. LOFGREN. Thank you. The Chairman of the Committee has asked that we recognize our colleague from Illinois, Mr. Luis Gutierrez, for questioning.

Mr. GUTIERREZ. I thank the Subcommittee Chairwoman and the Chairman of the full Committee for this opportunity to ask questions. First of all, I want to express to Dr. Gonzalez that I believe that he has a commitment to helping people become citizens of the United States and the rights of immigrants here in this country, and that that is not in question. Many times, maybe we shouldn't have to make those clarifications, but I think that is an important one. And whatever differences we have on this issue are differences of policy and of priorities maybe sometimes, but certainly not personal commitment. And I thank him for all of the hard work that he and his staff does.

I would also like to take a moment to thank all of the community-based organizations that helped to generate this 1.4 million new citizenship applications. It really was a community process.

What a wonderful process in America where people take time out that are citizens of the United States to help others engage in this wonderful process. And without them we would not be here. We want to continue to encourage them and to continue to encourage the linkages.

Having said that, I also want to say that this hearing is about how we help the people become citizens of the United States, how we quickly and efficiently grant them citizenship of the United States of America after they have made that application. I think it does absolutely no good to continue the demonization of immigrants by returning back to issues that happened 10 years ago, to continue to talk about citizenship and in the same vein talk about criminals becoming citizens when we know that is not happening today. It does no good. It continues the process, and that indeed that massive increase in those that have applied to become citizens of the United States has a direct correlation of the actions of this very Congress of the United States in demonizing those immigrants in the kind of xenophobic anti-immigrant attitudes that the Congress the United States has taken. And I am proud that those immigrants that can come forward, that can defend themselves, that can become naturalized, have done that. What a great process. That is the American process. But let's not demonize them for doing the right thing, for incorporating themselves into our great American system. I think that is wrong.

I didn't come here this morning to attack anybody about what might have gone wrong. That is pretty good for headlines, pretty good for the media, and might make us feel all self-worthy here today, but in reality it won't help one single person obtain American citizenship. And in this case, yeah, I would like them to become American citizens before the next election. I would like them to become American citizens in a quick, timely fashion because they did pay twice as much. Immigrants are paying today twice as much to become citizens because the financial resources were put forward.

So, Dr. Gonzalez, I heard in your testimony that, on average, you receive 700,000 applications for citizenship on an annual basis. Is that correct, Dr. Gonzalez?

Mr. GONZALEZ. Yes, sir.

Mr. GUTIERREZ. And last year you received 1.4 million?

Mr. GONZALEZ. Correct.

Mr. GUTIERREZ. So you received 100 percent increase in the number of citizenship applications in your department.

I understand that 60 percent of that 100 percent increase, 6 out of 10, happened in 1 month, the month of July.

Mr. GONZALEZ. 400,000.

Mr. GUTIERREZ. Of the 700,000, so approximately 60 percent happened at the very last—in the very last month.

Now, I would like to say the following because I know the time is running out. That is, if you could put in writing to us what were the steps that you took as a department to be ready for what you anticipated as an increase. You knew it was coming, you could see it coming, because there was already 300,000 more. And you knew that last month was going to add—you know, everybody is going

to come, many people are going to come at the very end to do that—what kinds of steps you took to make sure?

And secondly, I am very, very interested, because time is of essence here, what are the steps that this Subcommittee, under the able Chairmanship of the gentlelady from California, can take to help address getting people through the naturalization process?

And lastly, I would encourage us to call the FBI to stop talking about memos of understanding and memorandums of understanding, and stop calling simply the Director of Citizenship here, and call the FBI before this Subcommittee and find out why is it that they are failing miserably, miserably, in adjudicating these names. Because, Mr. Gonzalez has said—and we recognize it—it is a big problem.

So I would hope that the next time, with the same vigor and the same energy and the same vocation that we make sure that Mr. Gonzalez does his job, that we make sure that the FBI is doing its job, because if we do not hold both departments accountable we will have failed in our task to meet our goal and our responsibility and our commitment to those immigrants becoming citizens in a timely fashion. And I thank Dr. Gonzalez.

Ms. LOFGREN. By unanimous consent, the gentleman is given 1 additional minute so the Director may answer. And I would note for the record, as I indicated previously, it is my intent to ask the FBI to come forward and provide some insight into what they are doing to correct and digitize their files.

Mr. Gonzalez, do you want to briefly respond to Mr. Gutierrez?

Mr. GONZALEZ. Thank you, first, for your kind words about not only my commitment to citizenship, but my entire agency is committed to citizenship. Our 16,000 Federal employees and contractors all share the same goal, which is a transparent, effective and efficient Immigration Service within a security framework.

We did see this coming, and we did make plans, and, as you mention, will be more than happy to get you these later. But as we saw an increase throughout the year, say from January through May, June, the increase was manageable, and it was an increase that did not affect our processing times. And what we did not anticipate, and I will be very honest with you, is a 350 percent increase in 1 month.

The issue for us is not one of resources to address this. The issue for us, quite frankly, is one of capacity.

And I will get back to you those steps that we are taking to address the capacity issue, because every single file is an individual, it is a family, and they are all very, very different. And we are required to interview every single individual that applies for citizenship. That is not something that we will not abdicate, we won't subcontract, we won't outsource; that is our inherent responsibility.

So the issue then becomes how do we get more professional immigration officers into the pipeline to the front lines to be able to address all of these waiting files. And those are the actions that we have taken. And I am actually very proud of the fact that our employees have stepped up throughout the country to try and address this.

Although you see graphs like that, I will tell you that our work is retail. There are some cities where the surge was astronomical.

There are some where it was negligible. So I think that as we look at this from a global perspective or national perspective, you are going to find that in those cities where the populations are high and the filings were massive, those folks could expect a longer wait than in cities where, quite frankly, the wait is negligible. But I will, sir, get those questions to you.

Ms. LOFGREN. Thank you, Director Gonzalez.

We will now turn to our colleague from Texas, Mr. Gohmert, for his questioning.

Mr. GOHMERT. Thank you, Madam Chairman, and I really appreciate your having this hearing. I was hoping we would have more of these in the last Congress, and I appreciate the chance to do this now.

One of the things—and I appreciate the Director calling me yesterday so we could talk before this hearing, and additional information that is provided my office this morning—but one of my concerns has been as I talk to people who would try to utilize the immigration service, it sounds like they have got more success with Third World countries' Immigration Service being more efficient than ours.

We had one case in which we had a Belgian company that wanted to open a plant in my district, and they were going to hire all East Texans for the plant, except they just wanted their manager to be from Belgium. And after over a year of trying to get something done so we could get the manager in from Belgium, so we can get East Texans jobs, they just hit a brick wall. I have talked to their immigration attorney in New York. He said that they were told if oh, gee, you are tired of the delay, if you will pay another $1,000 on top of what you have already paid, we will expedite it. That moves it along. So they paid $1,000. Some months later they said what happened to the expedited procedure and were told, Oh, well, it did expedite one part; but if you will pay another 1,000 they will expedite another part. And so they paid another 1,000 and eventually after they had been held up for the extra fees, we got a manager and we hired some East Texas folks who were out of work.

When I talked to the ombudsman for the Immigration Service at the end of last year and saw in his report—and I know, Director, you disagree, from what you said yesterday, with some of the findings, but his indication was that whereas the President at one point had said, I believe it was like 1 hundred million more into the Immigration Service to move things along, that by delaying the processing of applications and taking much longer, that actually the Immigration Service was able to generate an additional $300- to $350 million, if I recall accurately. I haven't found that graph yet. But I would just like you to address that, the additional fee issue that may have arisen by delaying applications, get your response to that.

Mr. GONZALEZ. Thank you, Mr. Gohmert.

First of all, I would like to, for the record, take issue with the ombudsman in accusing this agency of essentially sitting on files for the sake of generating revenue. That is clearly not the case. It doesn't happen, to my knowledge. In fact, when those comments

are made, I take it personal and my staff, rightfully so, is offended by that.

That having been said, when we came back and we testified last year regarding our fee increases, one of the things that we mentioned was the fact that even though our fees were going up an average of 66 percent across the board, we were writing into those fees any additional delays that we would have, so that an individual would not have to come back and get another work authorization or have to refile.

So essentially, once the new fee structure came in, any delays would be—any cost in delays, would be absorbed by this agency. So I am not—if this is still a comment being made by the office of the ombudsman, I would venture to say that it is done with inadequate data.

I don't know if my colleagues would like to comment as well.

Mr. SCHARFEN. I think that covers it. I think the new fee rule takes that issue out of play, sir.

Mr. GOHMERT. By the way, can we have a second round of questions? There are not many of us here.

Ms. LOFGREN. I think, given the number here, that will be a good idea. We do have a second panel but we should have plenty of time to get to them.

Mr. GOHMERT. One of the ombudsman's recommendation, page 62 of the latest response—and by the way, the material I was forwarded was a response to the 06 report rather than the latest information that we have from 07. But anyway, one of the things they mentioned on page 62 was a problem of lack of communication between the headquarters of CIS and the field offices, and also a problem with the losses of paperwork when things were transferred.

I have another issue in my district where a man, sister and mother, had been in the U.S., been citizens for years. He has had an application pending for over 10 years. Just over halfway through that process, he was told the paperwork was lost. Just resubmit the paperwork, which was apparently a mistake, because he started from all over again with a new number rather than continuing with the other number. And we are told that his case should come up for adjudication some time this year, hopefully not too long. But in the process, he had to pay additional fees.

So even though I don't know that the ombudsman was saying that there was an intentional delay to increase fees, that appears certainly to be one of the results.

Some people have interpreted some of our concern about illegal immigration as meaning we don't wants immigration. We do want immigration. It is the strength of this country. I think the melting pot is a great concept that has really made us strong. But it has got to be legal. But then again, we need a CIS that moves applications, that doesn't make us look like a Third World country. And I would like your comment on the issue of losses of paperwork, lack of communication between headquarters and field offices, and what may be done to improve that.

Mr. SCHARFEN. Yes, sir, I will take them.

Ms. LOFGREN. Gentleman is recognized for an additional minute so that he may respond.

Mr. SCHARFEN. I will be very quick, sir. First of all, as to the paperwork, that is always going to be a problem with an agency that does between 6 million and 7 million transactions a year, when it is still a paper-based agency that is still using mail to mail different folders and files around the country. The whole purpose of the transformation program is to transform the agency from a paper-based system to an electronic system. And one of the benefits to that will be that you will have better accountability, better speed, and better recordkeeping.

We have over 100 million records in this agency that we have gotten in different parts of the country that we manage in our records facilities. On top of that, you have the annual flow of documents coming in that are paper-based. We are going to move away from that in the next 5 years during our transformation process and move to an electronic digitized system, and that should help that significantly.

As to the speed of processing applications, first, under the new fee rule, there is no financial benefit to the agency on delaying of any type of application processing of the application.

Second, also with the transformed procedures, the speed with which we process those applications should be increasing.

As to communications, let me just answer it in terms of our current challenge here with the naturalizations. I can assure you, sir, that we have been having routine and recurring meetings with our field managers on the challenges that we face with processing the naturalizations. Mike Aytes here has a meeting, I believe next week, with his production managers, who are his regional and service center directors, and they are going to be talking about just these sorts of things, about the processing times and the challenges that the ombudsman spoke about.

Finally, in terms of communicating with the public, we have a robust program where we have been trying to get out the word about the processing delays, both in Web sites and in large phone calls with our different stakeholders, which the ombudsman has been a part of as well.

Ms. LOFGREN. Thank you very much. At this point, the gentlelady from California, Ms. Sánchez, is recognized 5 minutes.

Ms. SÁNCHEZ. Thank you. I want to thank the Chairman of the full Committee for being so kind as to yield.

Dr. Gonzalez, as a Member of Congress, we encounter casework in our district offices. And as a result of some of the inefficiencies that my constituents experience with your department, I would say 85 to 90 percent of the casework that comes into my district office are people who have inquiries about the status of their immigration applications; 85 to 90 percent of every problem that constituents bring to my office is immigration-related. And I applaud your effort that you take this work seriously and want to help reduce the backlog.

But so long as I have been a Member of Congress and have served on this Subcommittee, which has been 6 years now, we have had the problem of backlog. And we seem to talk a lot about the inefficiencies and talk about the challenges. And yet through various initiatives we try to work, Congress tries to work to help give the tools that are necessary to help reduce that backlog, and yet

the waiting times keep getting longer, not shorter. And I find that incredibly frustrating because I am the one that has to deliver news to the constituents that we just don't know why it is taking so long.

In June of 2007, CIS ombudsman Khatri issued an annual report to Congress, and included in that report were several recommendations to the agency of how to reduce the backlog. I am interested in knowing if you read that report. Did you?

Mr. GONZALEZ. I did. And we have responded to that report.

Ms. SÁNCHEZ. So what types of recommendations that were included in the report, if any, has the agency implemented?

Mr. GONZALEZ. Okay, first off, I will get to your first point and then I will defer to my colleague, Mike Aytes.

I understand the frustration when you have casework on immigration. If you look at this from a macrolevel, we as an agency are able to satisfy our applicants within the respective time periods that we tell them about 95, 96, 97 percent of the time. Regrettably, because of the volume we encounter, that 3 or 4 percent of people that have problems adds up to a fairly large universe of folks.

Many times the waits that you are talking about are waits—and without seeing an individual case, because this is individuals we are talking about here—it is hard to say whether it is a problem with us, whether it is a problem with another agency. It may very well be a problem with that individual, whether there is paperwork missing from their file. There are a lot of moving parts in processing an immigration file.

Ms. SÁNCHEZ. I understand it is very complex.

Mr. GONZALEZ. It is so complex we need immigration lawyers for it.

Ms. SÁNCHEZ. And I understand that. But that shouldn't be an excuse for the types of waits that people are experiencing. These are just—we called late last night the office: Just give me some of the current casework we have got.

I will give you one case. Constituent originally filed for naturalization in October of 2005. She passed her civics and English exam in February of 2006. All of her friends who applied for naturalization after her have already been sworn in as citizens. Her case is still pending. And every 6 months she gets notices to get her fingerprints taken over, because they expired.

That is the second question I have. Why do fingerprints expire, and why do they have to keep resubmitting them?

There was an issue where her mother was sick, and this particular constituent is from Taiwan, and she was afraid to visit because she was afraid she might miss a notice of her swearing-in ceremony.

And I have seven or eight just that they pulled off the top of the stack last night, similar types of circumstances where people have been waiting since 2004, 2005, 2003, you know, other than, well, the system is complex and, well, we have to wait for something.

Can you understand why, as a Member of this Subcommittee, I have been here for 6 years and heard about the backlogs and the waits are getting longer, why that is particularly disturbing?

Mr. GONZALEZ. I would agree with you that there is no excuse for an unnecessary delay. Again, from what you just told me and

not seeing this file—and I would be more than happy to take it from you and if you give me more details we will look into it—it could well be that this person has already been interviewed and they have already passed the citizenship and English test. It may well be that it is hung up in another aspect of the process, being a name check.

With regards to the fingerprints, we are addressing that. We are creating a biometric storage system now as part of our transformation program where we will store fingerprints. Fingerprints don't change unless people want to physically alter them. This is an issue we are addressing.

I will have my deputy, Jonathan Scharfen, address other details.

Mr. SCHARFEN. I see we have—the light is on, ma'am—but what we can do is two things. The Director is correct; we have as part of our transformation program a program that we hope will start showing results by this summer.

Ms. SÁNCHEZ. Can I get that in writing?

Mr. SCHARFEN. We will get youa letter on describing the program on the FBI check.

Ms. LOFGREN. We will be having a hearing on the FBI name check, if I may interrupt before recognizing the——

Ms. SÁNCHEZ. I realize my time has expired. Many of these people have their background checks completed and there is still a delay. With that, I will yield back.

Ms. LOFGREN. Chairman of the full Committee, Mr. Conyers.

Mr. CONYERS. Thank you very much. This is a great hearing. I want to first point out that my dear friend, the Ranking Member Steve King is sounding very good today. This is his good day on immigration. If you have heard him, he can really hit some good high points. And I am glad we are looking at this, Steve, in a very constructive way. You are on the top five list of people who are considered to be the leaders of criticism about immigration in general. But I have got Judge Gohmert working with me, and we are continuing the process of keep hope alive.

Now here is the problem that is developing, Dr. Gonzalez. You have heard us all. Every time there is a fee increase, there is a bump in citizenship applications. You don't have to take Statistics 101 to figure that out. So LULAC, SCIU, NALEO, all those citizenship drives that alert you. So we know this thing is coming. And all I want you to know is that we have got to get to the bottom of this. I want you to review my opening remarks very carefully. They didn't have your name on them. But I need you to think through this thing in the detail that is characteristic of this Committee. And let me tell you this, this is not going to work. Talking about, it is not an issue of resources but an issue of capacity.

Now, if this isn't an issue of resources, I don't know a resource shortage when I see it. We are real short, and we have got to do something about it real quickly. That is the whole thrust of us all coming here today. And so I need you to put your thinking cap on, bring all your sharp men and women together here and let's get about this thing, because you need some resource help like nobody else I know of in government. So let's get going on that please.

Ms. LOFGREN. Thank you, Mr. Chairman. Ms. Jackson Lee was next. I don't know if she is in the—oh, Ms. Jackson Lee has reappeared and is recognized for 5 minutes.

Ms. JACKSON LEE. Let me acknowledge the importance of this hearing to Dr. Gonzalez is that we are talking about legal immigration. And I have listened to my colleagues as I have had a number of meetings, and I will discuss a wide range issues that don't seem to appreciate that the difficulties that we are having and the difficulties that are being addressed have to do with people lining up to engage in the process legally. And I think that should be reaffirmed. I too want to acknowledge a number of groups who participated in naturalization ceremonies in my own community of Houston, Texas, which remains a very large highly diverse community and with a sizable immigrant population. The naturalization ceremonies are teaming.

And complementing that process are organizations like the League of Women Voters who are there, ready to provide an opportunity to express yourself through the election process. And they are registering people to vote. And I did not hear the entirety of my good friend from Iowa's comments, but I hope we can applaud the fact that people are being naturalized, albeit we are here to discuss the delays, and I will raise those questions, but they are also registering to vote. Rightly so. They are doing the paperwork. They have documentation, and they have the best documentation, which is the immediate document that says, you are now a citizen. So I am not sure how we are in conflict when citizens register to vote, albeit they may have a different name, a different faith or they may be a recent citizen. We want to applaud that.

The second thing I want to acknowledge is, Dr. Gonzalez, we need, in spite of the waning hours of this Administration, we know that the President just spent a good week in the Mideast to regain some status on the whole question of the Mideast peace process. I think he needs to spend some time in the Nation's cities and States who are suffering under the lack of action by this Congress, and the need for the utilization of the bully pulpit on the idea of comprehensive immigration reform. It is of high priority, and I want to see a White House engaged.

I frankly believe that all things are possible, and I say that because the evidence of what is happening today and the delays is partly a recognition that one, people clamor for citizenship, and two, those who are undocumented for a variety of reasons would, in fact, engage in the process if we had a process. I might, in fact, ask you that question as to whether or not the Administration is still committed to comprehensive immigration reform, is my first question, recognizing that I had hoped you won't take up a lot of time on the question of border security because that is a given. My question is, are they still committed to the idea and the concept of finding a way to have people access legalization?

Mr. GONZALEZ. Thank you, Ms. Jackson Lee. I think the President is pretty much on the record as having backed immigration reform. He spent a great deal of political capital trying to move immigration reform. I count myself among those that was very disappointed when we didn't achieve immigration reform. In fact, I found myself in a situation where I was speaking to about 500 His-

panic leaders, and 5 minutes before I was supposed to speak to them, immigration reform crashed. And here we had 500 people expecting me to talk about immigration reform.

It is one of the worst days of my life. Whether this is going to be resurrected, I can't answer that. I genuinely believe that we cannot sustain as a Nation some 12 million people that are in this country illegally. That number may be higher, that number may be lower. But if we use the number of 12 million people, that is the population of Belgium or the population of Ecuador if we want to use our hemisphere.

By not engaging in immigration reform, I think we do a disservice to this country because you can't have this many people living in our midst and we don't know who they are, we don't know what they are doing, we don't know what they look like, we don't know what their pasts are. And we don't know—most of them, I would say, a large number of them are probably hard-working people, but some of them may not be. So I would hope that immigration reform is something that will be resurrected. Proper immigration reform. And I say proper because it can't be all things to all people.

And a personal level, because I do take this very seriously, and I was involved in the discussions, we need to be able—and I may be philosophizing here but you gave me the opening.

Ms. JACKSON LEE. I ask the distinguished Chairman for me to at least put two sentences on the record.

Ms. LOFGREN. Without objection, the gentlelady is recognized.

Ms. JACKSON LEE. Dr. Gonzalez, I don't want to cut you off. I know this is passionate. Did you want to finish your sentence?

Mr. GONZALEZ. What I was going to say is, I think it is going to take effort from the executive, and it is going to take effort from this body because I don't think we can wait 2 or 4 years to address the issue of those individuals who are living amongst us who are beyond the law or who are outside of the legal statement.

Ms. JACKSON LEE. We needed that statement. Let me just quickly make these two points. And I know that if we have a second round, you may answer them even in my absence. I have a security briefing that may be occurring. But we cannot overlook the crisis of the FBI watchlist. I know the Chairwoman is going to have that. I am presently dealing with a mountain of cases of doctors who are here, trying to serve our communities who have been in limbo now for 5 or 6 or 7 years. That is the first thing. The second is, the delays are intolerable. And what I will encourage you to do, and I understand you may be looking at it, is to build capacity.

Let us go to the historically Black colleges, Hispanic serving colleges, let's recruit people on the ground that can be trained, that can make the dream come true, which is, this is a government that works. People who access the system in the legal way should not be punished, should not be the victim of their own commitment to legalization. And that is what is happening with these extensive delays. And I hope that you will take that offer up.

Mr. GONZALEZ. Thank you, ma'am.

Ms. LOFGREN. The gentlelady's time has expired. We will now go to a brief second round. And I will begin.

Dr. Gonzalez, in the past—it is only this last year, I can say this, that I have served longer in local government than I have served in the Congress. And I recall when I was in local government, the county really did care about all of the people who lived in the county, U.S. citizens, legal residents, and people trying to get their residence. And from time to time when there were huge backlogs, we offered the then-INS assistance. We gave space for free to the INS.

We actually had a little back and forth at the time, we provided clerks from the court who had actually background checks that the INS employees didn't even have to assist the agency to get their job done because we were so frustrated with the delays. It is my understanding that the Department of Homeland Security is prohibited from accepting help or space at a free basis from others, including local government, because of a gift rule that didn't exist with the Department of Justice. Is that still true? And what do we need to change so if the school district wants to donate the school auditorium for a swearing in ceremony, you can accept the donation of that auditorium?

Mr. GONZALEZ. Thank you for the question. It is not that the Department is not allowing us. One of the things that we have gone to the Department for is the ability to use say the university, nonprofit organization, a city hall or a city municipal government.

Ms. LOFGREN. Sure, can you do it.

Mr. GONZALEZ. To give us classroom space so we can interview people on weekends, on nights.

Ms. LOFGREN. Whether it is swearing in or office space.

Mr. GONZALEZ. For us it would be with naturalizations is not have to do it in the same building but we could do shift work.

Ms. LOFGREN. Right. Does a gift rule prohibit you from doing it?

Mr. GONZALEZ. We as an agency are not allowed to accept those types of facilities.

Ms. LOFGREN. What do we need to do to change that?

Mr. GONZALEZ. Well, the Department is already in the process of putting together a proper policy memo which will allow not just our agency but all the other agencies within the Department of Homeland Security to accept that sort of support.

Ms. LOFGREN. Well, I am talking to Secretary Chertoff on another matter in about an hour. Maybe I will raise this with him in addition to the other matter we are talking about.

I want to talk about how we can work together being individual Members of Congress and your department—to make this work better. Before Christmas, I gave you a memo that was prepared by a lawyer on my staff in San Jose, pointing out that the information officers in the San Jose office was giving incorrect legal advice to people who were seeking information and further will no longer give information to congressional offices.

I haven't yet gotten an answer to that. I am raising it here today in the hopes that I will get an answer. But the point I am making is that all of our offices, are pulling in the same direction. I have case workers, Mr. King, everybody has case workers trying to sort through the facts. In fact, I have hired three immigration lawyers in my office, all of whom you know are experienced in this. I have one who taught the course. I mean, they go and correct the misinformation that is given by information officers who don't know the

law. So how do we work together, if our staffs can't get access to the information obviously with the permission of the applicant, then we can't help solve problems and make sure things go well. How do we work better in that regard, Dr. Gonzalez?

Mr. GONZALEZ. I can't address the issue of that individual you just mentioned.

Ms. LOFGREN. It is not an individual. It is me. It is my office that will not get information.

Mr. GONZALEZ. Exactly. Your office received erroneous information from——

Ms. LOFGREN. Not just once. I mean, multiple times, dozens of times.

Mr. GONZALEZ. At the agency level—and not to address that particular individual or that particular office. But we are in the process right now of making major investments in our training program. We want to not only recruit the very best individuals, we want to train them to the very best of our abilities.

Ms. LOFGREN. Our time is almost up. If a congressional office—I mean, the individual, whether it is a citizen checking on you know their spouse or whatever the matter is, they called and now they get—the information office they can't get any information. So in desperation, they call the congressional office. And if we are given the same access to information as the person making the inquiry, which is nothing, then they are going to sue. And so you are going to have instead of 500 lawsuits——

Mr. GONZALEZ. We are very familiar with lawsuits.

Ms. LOFGREN. You are going to have a lot more. It would be a lot smarter for the Department to say, okay, if you have got a written release from the applicant because we have privacy issues and you have got an office that is trying to sort through this in the best interest of everyone to provide the facts and the information and then we can help bring this to a resolution, wouldn't that be a good idea?

Mr. GONZALEZ. I would be more than happy to sit with you personally, or have my staff and your staff get together and see how we can put our heads together and try and find an adequate solution, yes.

Ms. LOFGREN. I would appreciate that.

Mr. GONZALEZ. I would welcome that.

Ms. LOFGREN. Mr. King, you are now recognized for 5 minutes.

Mr. KING. Thank you, Madam Chair. As I listened to the questions asked by the gentlelady from Texas, and Director, your response to the question about whether you support and endorse the Administration's comprehensive immigration reform policy and your answer, as I recall, was that you are concerned that this Nation needs to do something within the next couple of 3 years. We can't afford not to.

Conceptually, and I think I am there at least with that analysis. But my question then arises out of that response as I consider that the technical part of your job wouldn't be dealing with what policy might be coming out of it, but what the policy that actually you are charged with enforcing.

So I would have to ask you, does that philosophy that you espouse here before this Committee that you share with the Presi-

dent of the United States, as I understand it, does that affect the way you do your job? And how is that viewed by the 16,000 employees at USCIS, as they carry with them a certain philosophy, how does that affect their work, does it affect the way do you perform your job at all?

Mr. GONZALEZ. My opinions on the need for immigration reform reflect the President's in that because we are part of Homeland Security, I view immigration reform, any immigration reform through the lens of Homeland Security. Do we need to do something about 12 million illegal people here? Yes, we do. It is not my position to decide what we do. It is something that needs to be worked out through the executive, through the legislature. But I genuinely believe that having that many people here that we don't know anything about is not a good thing. It is not a good thing.

Now we can argue about what the remedy is, but I would venture to say that on a personal level, the status quo is not acceptable. Now with regard to my employees, do understand that by definition, all of my team that my employees deal with are, in fact, legal. So we are a player in the immigration reform legislation or we were because we would inherit and we would have to process anybody who were legalized. But people who come to my office for benefits are, in fact, here legally. And if they are not or we find out through a data check that somebody is in our office, even though they may be legal, but there may be an outstanding criminal warrant for them, we detain them.

Mr. KING. By definition, they are here legally but they may not be here legally because they could have fraudulent documents that got them to that point, to be in your office. But that is not really my point so much—well, it is part of it and is encompassed in it. But the thing I am more interested in is that I have never been able to understand the rationale of the Administration or the people who advocate for comprehensive immigration reform, and it is a very polite name that has been advocated that way. How this Nation is safer when you legalize 12 million or more people that are crossing the border under restraints and concern about being caught in the process who now would have more opportunities to cross the border, not less, because they could cross legally and illegally if they are legalized.

And if we move people through the process and grant them a z visa or whatever we might, to give them temporary status here, to let them get in line for a permanent status, how is the Nation safer when we make people who would not have a background check done on them in the early stages of this of the z visa side? How is America safer if we legalize people without knowing about their background? And if we have 4 million people coming across this border in a given year illegally, that huge human haystack of humanity, and in it are the needles that would be criminals, drug dealers, those elements, terrorists, that we are concerned about, how is America safer by legalizing the hay and presuming that the needles will emerge if we legalize the hay because we will be legalizing some of the needles as well, will we not?

Mr. GONZALEZ. The border issues you mentioned is not something we involve ourselves with. But the issue of immigration reform at large—and we could talk about this forever is—again, and

I will say that the Administration, the President expended a great deal of political capital in trying to move the ball forward in trying to address a problem that to this day is not being addressed. We can disagree as to what the processes may be.

We could disagree as to what the qualifications might be. I certainly don't advocate nor have I run into anybody that has advocated an amnesty program because an amnesty program is something that I don't think anybody would support. We have to be able—and this is something that we carry with us—coming to the United States and being a citizen or being a resident, this isn't like going to a retail outlet and paying your money and saying, I want something now. It is a process. And we have to be able to tell people no if they don't qualify. And if we can't tell—even if it is a minority of the people no, then how do we tell the majority of the people who are truly deserving yes? I genuinely believe that something needs to be done——

Mr. KING. I thank the director. I will ask for an additional 15 seconds.

Ms. LOFGREN. Without objection.

Mr. GONZALEZ.—needs to be done with regards to immigration reform. Do I have all the answers? No. But it is clearly—I think that the status quo is unacceptable. And I think that if we come back 4 years from now and have a hearing like this on immigration reform, then the numbers will be much higher.

Mr. KING. I will just conclude with a definition of amnesty and that is to pardon immigration lawbreakers and reward them with the objective of their crime, and I think that policy does constitute amnesty. Thank you, Madam Chair.

Ms. LOFGREN. Without objection, I would like to add to the record the report from the Congressional Research Service on their analysis of the trends and would note that no one is saying you don't have the right to say no. The problem is, when you don't say yes or no for an extended period of time, there is a problem. I would recognize the gentlelady from Texas, Ms. Jackson Lee, for her second round.

Ms. JACKSON LEE. Thank you very much, Madam Chairwoman. And you are absolutely correct. I think Dr. Gonzalez captured it in his, I think, very important statement in my earlier question. But the point is, is that rules allow to you say yes or no. Framework allow to you say yes or no. And I take issue with my distinguished friend from Iowa simply to suggest that a framework that has people penalized for their present status, but then gives them an opportunity to access legalization is not in the true sense of the word rewarding people for their crime.

And I believe that the status of being unstatused is still a civilian or a civil issue unless you have perpetrated a criminal act. And so you can be deported not criminally, but you can be deported for failing to comply with the rules of immigration. And I hope we can decipher that so we can move forward.

I want to focus on the testimony that you had that indicated how often you have been sued and over 80 percent of those cases were FBI watchlists. And my question, if you can specifically speak to the causes of that delay and on average, how long do these name checks take? And how can we get the FBI to expedite the process?

But in the course of your answer—and I have three questions. I am going to lay them on the record now so that you can quickly answer all of them. What is the relationship that your agency has with the FBI? How can we help facilitate that better even though we may haul them in here to this hearing, you won't be sitting at the table.

So how can we extend an olive branch that says, we believe in security but we want to see this process work so that doctors or nurses and people who are here to try and be contributing are not delayed? The other question is for those who applied for naturalization in 2007, do you expect that you will finish your work in 2008? And would you answer my question that I gave you at the end of my statement in terms of outreach, what are you doing to expand your recruitment and to build capacity so that possibly you would answer the former question about getting the job done in 2008? And I, again, thank you for your work as well.

Mr. GONZALEZ. Thank you, ma'am. I will start backwards. We do have—we do have an outreach program. We advertise our positions. We received 10,000 applications for adjudicator positions that we advertised in a period of 6 days. We are reaching out to historically Black and Latino colleges and universities to ensure that we maintain a very healthy, diverse workforce within our agency.

With regards to the naturalization applications and whether those individuals will be—the individuals that applied last year will be naturalized this year in a very general term, and I will turn it over to my deputy for specifics. It is really going to depend on where they file. And it is going to depend on how clean their file is.

Again, it is very, very difficult to look at all these applications as one and say, well, we can do this in x number of months because they are not all the same—there are a lot of moving parts. And each individual application is very, very, very unique. Now, there are some cities where we received a deluge of applications. There are some cities where we didn't.

So again, this is retail work. I can tell you that we are working these as quickly as possible. I would be remiss if I told you definitively that by such and such a date, we will have approved x number of cases because that would be dishonest. And I don't think that we want to go to a position where we are going to require our employees a quota system where you have to do this many cases because that would just invite cutting corners.

We want to make sure that we continue our processes, that we continue being secure, that we continue to promote quality and assurance that the work that is being done is being done within the framework of homeland security. I will defer to my colleague——

Ms. JACKSON LEE. My time is running out. So I want you to get to the FBI and other questions.

Mr. SCHARFEN. Yes, ma'am. As to the FBI name check, our relationship with the FBI has been a close one recently as we have tried to work together through this shared problem with the FBI. We have had meetings between the deputy secretaries and the deputy director of the FBI. We have worked through to reach an agreement on the MOU about the way in which we would do the files searches. But the bottom line is that the FBI has an antiquated paper-based system that they are only beginning now to transform.

And so we have to manage an old system. What that means is that unfortunately to a large degree, we have to throw manpower—people at the problem. And that is being done now. For instance, the FBI has hired 221 contractors to date and also has increased their full-time employees by 20. They used to have 20 full-time employees working this issue for us. Today they have, as I said, 221 contractors working it and 40 full-time employees working it.

Ms. LOFGREN. The gentlelady's time has expired.

Ms. JACKSON LEE. Madam Chair, I think that is outrageous not to blame the witnesses, but contractors already send nightmares in terms of security, and I hope that we can address this question head-on. I think it is an abomination. I thank the Chairwoman for yielding. I yield back.

Ms. LOFGREN. I recognize the gentleman from Texas, Mr. Gohmert.

Mr. GOHMERT. Thank you again, Madam Chairman. I would like to follow up on that a bit. One of the concerns has been that I have had has been the security clearance of the benefits adjudicators and director. We had discussed that briefly yesterday. And it continues to be a concern. And the information that we are provided indicates that—of course, since 9/11, things are gotten tougher in making sure that adjudicators, those who are checking the name or seeking name clearance and reviewing those files had adequate security clearance and that, as I understand from the information we have been provided today, that employees, perhaps over 3 years have been grandfathered in to be allowed to review the name check system and that newer employees are being required to have the security clearance.

But you know, and I so much appreciated the comments in your introductory remarks that although we do want a streamlined process so we don't appear to be the worst of the third-world immigration services, at the same time we can't afford to lose security. The MOU with the FBI was mentioned. But I had been concerned, and apparently there is a basis for it that we have had people that should not be utilizing the name check system potentially in adjudicator status, reviewing those and making adjudications.

So I want to know what kind of security efforts have been made? And hopefully, redoubled.

Mr. AYTES. Sir, if I may, Customs and Border Patrol Agency which manages Tex, the system that you are referring to, did, after 9/11, raise their standards for security clearances. We worked with them. We incorporated them——

Mr. GOHMERT. You don't disagree with the need to raise the security?

Mr. AYTES. Not at all, sir. We incorporated those standards for all of our new hires and we have worked with them to work out a plan where over 3 years we will raise the security level of all of our existing folks who have access to that system. But all of the employees who had access to that system today had the necessary security clearances at the level that CBP had previously required. So this is an issue of raising standards and applying those standards to our existing workforce as quickly as we can rather than on unqualified employees having access to records.

Mr. GOHMERT. Anybody else want to add anything on that? Okay. I noted in the ombudsman report, there is a reference to work-at-home challenges. And in view of the problems with taking computers home that we saw with the Veterans Administration, it kind of scared me to see that even though we have taken up the issue in this Congress about, you know, some businesses should have that flexibility. It may be that some government functions can be done just fine from home. But when we are talking about this Nation's security, it concerns me to hear there may be a work-at-home program. Is there a work-at-home program where important security information, private information is taken to people's homes?

Mr. SCHARFEN. We do have a work-at-home program, sir. And I will get back to you with regards to the specific security arrangements that are applied to that working arrangements. But I know that we have them. We have discussed it. And one of the offices that just within the last couple of weeks, we were discussing just this issue and our information technology chief information officer has also, I believe, looked at this issue. But we will get back to you with details about that, sir. It is an issue——

Mr. GOHMERT. Well, it certainly concerns me, and I would like to know more about it because I have a real problem with the security-sensitive situation of taking work home. Just seeing my time is about to——

Ms. LOFGREN. Would the gentleman yield? I will grant by unanimous consent an additional minute for him to yield.

Since the agency, as I understand it, is not yet there technologically, so you could have a secure either biometric or password-secured telecommute, would it be true that if there is a work-at-home program, employees are taking paper files home?

Mr. SCHARFEN. I will have to get back to you on that issue. That can be the case, ma'am. But it is a limited program, and we will get an answer to you.

Ms. LOFGREN. I thank the gentleman for yielding, and he has an additional minute.

Mr. GOHMERT. Thank you for that very intuitive question. Well, just in conclusion, one combined question here. But there has been a recommendation by apparently not just the ombudsman but many others to provide clearer instructions, provide information on the actual rejection criteria, use less legalese, particularly in the quest for additional information, and that if there is a checklist that service centers use to make sure that all information is properly in, that the checklist be provided to people as they make applications.

Now we have had hearings in the past year on possibly reduce—or increasing the fees. And I think the Chair and I have had disagreement. I don't have as much problem increasing fees if we can do it in such a way that we cut out the legalese, allow people not to pay $3,000, $4,000, $5,000 to attorneys that may not actually be needed. But if we can streamline that process where they can apply without an attorney, pay a little more money to get it done through the system, I don't have a problem with that. But with regard to these recommendations, what if anything is being done?

Mr. AYTES. Sir, we absolutely agree on that score. And we have a group of folks who are looking at all of the instructions for our application forms with the idea being to focus them more toward individual customers. Right now there are a combination where if you are filing for a particular benefit, the instructions may be the same on the same package as for another customer who is seeking something else.

We are going to focus them, make them far more specific and incorporate checklists of the kinds of documentation that needs to be submitted not only to have your case accepted, but to have your case adjudicated.

Ms. LOFGREN. The gentleman's time has expired. We may be able to further explore these issues later. The gentleman from California is recognized.

Mr. BERMAN. Thank you, Madam Chair. And I apologize for not being here for the testimony. And I gather that a number of the questions I had have been asked and dealt with.

One issue I just wanted to—I don't know if I am asking in response, although following up on a specific individual might be useful. But this is someone from my district. He files his naturalization application in February of 2006. After much effort, he learns that he was part of the name check backlog and was advised by your agency that they could do nothing to speed things along.

The problem was with the FBI. But then when we called the FBI—oh, and when he called the FBI, he was told that they only work on the name check cases prioritized by your agency. In other words, you had a situation of each agency putting the blame on the other agency. In this case, the individual had gone through and received a security clearance before applying for naturalization for the purpose of government employment.

Now I am unaware of a process for that, but that is what he says he did. So he got his security clearance, according to him, but he hasn't been able to get through the FBI for the background check for naturalization. It would seem to me that a security clearance background investigation would be even more rigorous than a background check for naturalization purposes. And he believes the thing that caused his name—the reason there was a name check at all was because he had applied for a security clearance.

And of course, he still hasn't gotten any date for a naturalization hearing. He hasn't been approved. And I am wondering if off the top of your head you have any reaction to the anomaly here of somebody being security cleared but can't get his FBI background check through for a naturalization.

Mr. GONZALEZ. Sir, I am not familiar with the process of granting a security clearance to someone who is not a citizen. But I would be happy to look into it. If your staff could get me the file, I would be more than happy to take a personal interest in it and get back to you.

Mr. BERMAN. I would be grateful if you would. Thank you, Madam Chair.

Ms. LOFGREN. Thank you, Mr. Berman. And it appears there are no further Members here. So we will thank the director and his able staff for being here. We look forward to working further with

you on these issues. And we will now ask the second panel to come forward.

Mr. GONZALEZ. Thank you, Madam Chair. And I wanted to reiterate our willingness to work with you and your staff on issues on mutual interest and how we can move these matters forward. I appreciate your patience today. Thanks.

Ms. LOFGREN. Thank you. All right. Let's ask the second panel to come forward. And as you do, I will introduce you.

First, I am pleased to welcome Arturo Vargas, the Executive Director of the National Association of Latino Elected and Appointed Officials Education Fund. Prior to joining NALEO, Arturo Vargas was vice president for Community Education of Public Policy of the Mexican American Legal Defense and Education Fund, or otherwise known as MALDEF. He has been included in Hispanic Business Magazine's list of 100 Hispanic influential people twice and has been named one of the 101st most influential Latinos, three times three times by Latino Readers magazine. Arturo holds a master's degree in education and a bachelor's degree in history and Spanish from Stanford University, from my neck of the woods. And he is from Los Angeles, born in El Paso Texas.

Next, I would like to introduce Fred Tsao, policy director for the Illinois Coalition for Immigration and Refugee Rights. Mr. Tsao provides technical support, training and presentations on immigration-related topics to service providers, immigrant community organizations and others who work with immigrants. Fred practiced law at the Rockford Office of Prairie State Legal Services where he worked after receiving his law degree from the University of Michigan. A native of Chicago, Fred is the son of immigrants from China and has had a life long concern about immigration issues.

And it is also my pleasure next to offer Rosemary Jenks for Numbers USA. Ms. Jenks has worked on immigration issues since 1990. Prior to her work with Numbers USA, she spent 2 years as an independent immigration consultant, providing research and legislative analyses to immigration reform organizations around the country. Before that she was Director of Policy analysis at the Center For Immigration Studies, a Washington, D.C.-based think tank. Ms. Jenks received her JD with honors from Harvard Law School and BA in political science from the Colorado College. She is a member of the Virginia State Bar. She also serves on the board of directors of the 9/11 families for a secure foundation.

As you know, your written testimony will be made part of the official record. We would ask at this time that you provide oral testimony that consumes about 5 minutes. When the red light goes on, we will let you know and ask that you wrap up. And we will begin with you, Mr. Vargas.

TESTIMONY OF ARTURO VARGAS, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF LATINO ELECTED AND APPOINTED OFFICIALS EDUCATION FUND

Mr. VARGAS. Thank you Chairwoman Lofgren, Members of the Subcommittee. It is actually great to see my birth State and my home State so well represented on the dais this morning.

Thank you for the invitation to appear before you today to discuss naturalization delays and their impact. For the last decade,

we have been at the forefront of efforts to promote U.S. citizenship and to assist legal permanent residents with the naturalization process. A year ago, along with our national partners, we launched our national Ya Es Hora !Ciudadania!, (It's time, citizenship!) campaign to inform, educate and motivate eligible permanent residents to apply for U.S. citizenship. And as Dr. Gonzalez testified earlier this morning, the agency has received about 1.4 million applications in 2007, nearly a doubling of applications over the previous year. And there are several factors that contributed to this increase.

First, newcomers are strongly motivated to pursue U.S. citizenship because of the opportunity it confers to become full Americans and to participate in civic life. Our campaign strengthens and sustains the momentum of the increased naturalization applications. The USCIS's July 2007 increase in the fees to start the application process also contributed to a dramatic growth in naturalization applications. During the months proceeding the fee hike, the monthly number of applicants grew significantly. The USCIS's application backlog began to grow steadily as well, and applicants started to experience longer processing times.

By October, the number of pending applications had increased by 96 percent from the year fiscal year 2006. We were concerned when the USCIS announced the estimate of a 16- to 18-month processing time for applications filed after June 2007. According to the Agency, about half a million legal permanent residents submitted applications between June and October 2007, and the estimates are that the actual number is actually greater. We have seen that the demand for naturalization assistance has persisted even after the fee increased. When the USCIS announced its intention in August to require newcomers to replace their legal permanent residency cards with no expiration dates, many are choosing to naturalize as an alternative to replacing their permanent residency cards. We estimate that an additional 183,000 applicants would join the more than half million affected by the Agency's announced processing delay. This processing delay represents a significant increase over waiting times in recent years.

When the Agency made the final announcement of its July fee increase, it reaffirmed its commitment to reducing processing times and cited a 5-month processing period as both a goal and one of the justifications for the increase. Ironically, many of the newcomers who will be affected by the Agency's delays are the very applicants who had paid the higher fees. The challenges to addressing the naturalization backlog is exacerbated by problems it experiences with the FBI background check process, as has been discussed by this Committee and in its conversation with Dr. Gonzalez.

The USCIS has announced several actions to address the backlog, as Dr. Gonzalez described in his testimony. However, we understand that the Agency does not believe these measures will have an impact soon enough to ensure that most applicants who filed in 2007 will become citizens in 2008. We believe this raises serious questions about why the Agency did not start to take action earlier to address the impending backlog. We provided the Agency with advance notice about our campaign and the dramatic increase in

applicants we thought it would help produce. In April 2007, when many filed their comments on the proposed fee hike, they expressed concerns about the increased applications that they expected before the implementation of the fee hike. We also believe that past naturalization increases should have forewarned the Agency about the current increase.

Several times during the past two decades the Agency experienced consistent increases in naturalization applications whenever a fee increase was announced and implemented and whenever the Nation experienced a resurgence about the immigrant sentiment, much like we experienced in 2007. We believe the Subcommittee, the USCIS and those of us who work on behalf of our Nation's newcomers share the common goal of ensuring that all legal permanent residents who meet the requirements for U.S. citizenship can have their applications adjudicated in a timely and accurate manner.

We thus recommend the following: The USCIS must develop and implement a comprehensive plan to significantly reduce future processing times from its current estimates. The Agency must ensure that all qualified applicants who filed in fiscal year 2007 are sworn in as citizens by July 4, 2008. In implementing its backlog elimination plan, the USCIS must work closely with national and local immigration advocacy and service providers and private businesses that reach the newcomer community. On the national level, the USCIS has regular meetings with stakeholders on a variety of naturalization policy issues tht have helped the Agency develop practical solutions to some of its challenges and have helped the Agency gain valuable knowledge about the impact of its policies on the immigrant community.

The USCIS must issue directives to the leadership of its district offices to meet regularly with local naturalization stakeholders. The Los Angeles USCIS district office is a model of an extremely effective partnership between the office's leadership and local organizations, and this relationship has actually benefited the immigrant community and the district office itself in carrying out its activities. The USCIS should work with the Department of Homeland Security to examine whether current policies and the acceptance of gifts by Federal agencies from non-Federal sources needs to be streamlined to enable the Agency to use the facilities and other infrastructure provided by State and local governments to assist with the backlog reductions, as the Chairwoman mentioned earlier.

The USCIS and the OMB and Congress must work together to ensure expeditious approval of the Agency's reprogramming request. The USCIS will need to spend more in fiscal year 2007 than what was initially approved by Congress to address the backlog. The Agency has submitted reprogramming requests to the Office of Management and Budget, and this has subsequently been forwarded to Congress. We urge Congress to approve the current reprogramming request as soon as possible.

Finally, the USCIS and the FBI must institute new policies to eliminate the naturalization processing delays caused by the complicated background checks. I think this issue has been thoroughly discussed by the Subcommittee with Dr. Gonzalez. And it raises the serious question about why the FBI is not complying with timely background checks.

Ms. LOFGREN. Thank you very much, Mr. Vargas.
[The prepared statement of Mr. Vargas follows:]

PREPARED STATEMENT OF ARTURO VARGAS

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Executive Director
Mr. Arturo Vargas

Testimony

by

Arturo Vargas, Executive Director
National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund

before

the United States House of Representatives
Committee on the Judiciary
Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law
on Naturalization Delays

Washington, DC
January 17, 2008

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Chairwoman Lofgren, Ranking member Representative King and members of the Subcommittee: I am Arturo Vargas, Executive Director of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund. Thank you for the invitation to appear before you today on behalf of the NALEO Educational Fund to discuss the issue of naturalization delays and their impact on the Latino community and all of our nation's newcomers.

The NALEO Educational Fund is a non-profit, non-partisan organization that facilitates full Latino participation in the American political process, from citizenship to public service. Our constituency includes the more than 6,000 Latino elected and appointed officials nationwide. For the last two decades, the NALEO Educational Fund has been on the forefront of national and local efforts to promote U.S. citizenship, and assist eligible legal permanent residents with the naturalization process. Our efforts have included community workshops and other activities to help newcomers submit their application materials. Since 1985, we have operated a toll-free information and resource hotline for callers with questions about the naturalization process – in the last five years alone, we have assisted about 75,000 callers through the hotline. Since 1993, the NALEO Educational Fund has also conducted a comprehensive national public service media campaign to inform newcomers about the opportunities and requirements of U.S. citizenship.

One year ago, we launched our *ya es hora ¡Ciudadanía! (It's time, citizenship!)* campaign, a national effort to inform, educate and motivate eligible legal permanent residents across the United States to apply for U.S. citizenship. This campaign brought together over 400 national and regional organizations, including community and faith-based organizations, unions, public and private agencies, law offices and attorneys, elected and appointed officials, and private businesses. Over 23 cities across the country, from San Diego, California, to Boston, Massachusetts, conducted activities under the auspices of *ya es hora ¡Ciudadanía!*. Our organizational partners in this campaign include the National Council of La Raza, the Service Employees International Union, and the We Are America Alliance. In addition, our media partners, Univision Communications, Entravision Communications, and *impreMedia*, played a critical leadership role in the campaign's public education efforts, by producing programs, public service announcements, and advertisements to reach Latino viewers and readers. Nearly 100,000

persons have visited the *ya es hora* website, and over 115,000 naturalization guides have been distributed to communities across the nation through the network of over 400 *ya es hora* citizenship centers. We believe that the *ya es hora ¡Ciudadanía!* campaign played a key role in the dramatic increase of naturalization applicants last year, and we surpassed our goal of fostering a movement that would motivate at least 1 million legal permanent residents to apply for naturalization in 2007. Data from the United States Citizenship and Immigration Services (USCIS) reveal that between January and October 2007, 1,029,951 newcomers applied for naturalization, a 59% increase over the same period in 2006.

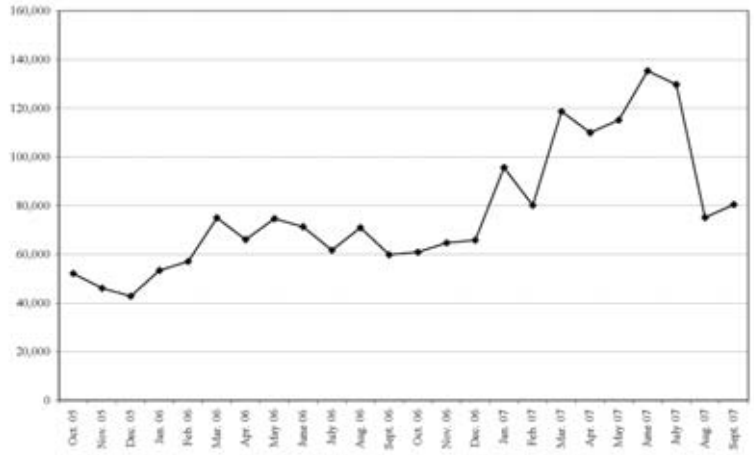
Last year's dramatic increase in naturalization applications started in 2006, and by the end of federal fiscal year (FY) 2007, the number of applications filed was the highest annual number in a decade, and the third highest in our nation's history. In late-November 2007, the USCIS announced that it anticipates that there will be a significant increase in the processing time for many of the applications filed during this period – those filed since June 2007 – with the agency estimating that it may need 16-18 months to complete these cases. The legal permanent residents who applied for U.S. citizenship during the FY 2006 and 2007 increase are eager to demonstrate their commitment to this nation, and they want to help build our neighborhoods and communities. They are also motivated by a desire to make their voices heard in our democratic process, by participating in our elections. However, the delays announced by the USCIS will force many of these newcomers to defer their dream of becoming full Americans. We cannot allow this to occur. In my testimony, I will first present our perspectives on the reasons for the dramatic growth in naturalization applications, and raise some questions about the USCIS' preparations to address the increase in its workload. In addition, my testimony will also set forth policy recommendations concerning the need for the agency to take swift and effective action to ensure that all of the applicants who applied in FY 2006 and 2007 can realize their dream of U.S. citizenship by July 4, 2008 – Independence Day has been a traditional date for scheduling numerous swearing-in ceremonies throughout the country.

I. <u>The FY 2007 Increase in Naturalization Applicants and the Growth of Naturalization Delays</u>

During federal Fiscal Year (FY) 2007, the USCIS experienced a dramatic increase in the number

of legal permanent residents applying for naturalization, with that number hitting its peak in the summer of 2007. Generally, through Fiscal Years 2005 and 2006, the number of naturalization applications filed each month stayed in the range of 40,000 – 75,000. Throughout FY 2007, the number increased significantly, with the monthly volumes ranging from approximately 61,000 to 135,000 (see Figure 1).

Figure 1
Naturalization Applications Received
FY 2006 and FY 2007



Source: USCIS PAS G-22.3 data

According to the USCIS' monthly statistical data, the number of Form N-400 naturalization applications filed in FY 2007 was 1,132,073; however, the agency acknowledges that these data may not fully reflect the actual number of applications filed, and in its published materials, the agency estimates that the true number is about 1.4 million.[1] This estimate represents a 92% increase – a near doubling - over the 730,642 filed in the previous fiscal year.

[1] The number of naturalization applications reported for FY 2007 in Figure 1 is based on USCIS data included in the agency's Monthly Statistical Reports (MSR). The data on the receipt of applications in these reports generally reflect the date that the applications were entered into the agency's case management system, rather than the actual date the applications were physically received by the USCIS. Because of delays in the entry of the applications, the FY 2007 MSR data do not reflect the full number of applications actually received by the agency during that fiscal year, particularly with respect to applications received in the last few months of the year.

We believe that there are several factors that contributed to the FY 2007 increase in naturalization applications. First, from our work with Latino immigrants, we have seen that newcomers are strongly motivated to pursue U.S. citizenship because of the opportunity it confers to become full Americans and to more actively participate in the civic life of our nation. Latino legal permanent residents care deeply about the same issues as all Americans – issues such as education, economic opportunity, and health care – and they want to shape the policies that affect their families and communities. In addition, Latino newcomers see naturalization as a critical step toward making their voices heard in our national debate on immigration, which has become increasingly intense in recent years.

In addition, our *ya es hora* campaign helped strengthen and sustain the momentum of the increase in naturalization applications. Our campaign provided newcomers with information about the opportunities of U.S. citizenship, and naturalization requirements and procedures. We helped eligible legal permanent residents obtain the broad range of services needed to initiate and complete the U.S. citizenship process, from English-as-a-Second Language instruction, to application assistance, to legal services.

The USCIS' increase in the fees to start the U.S. citizenship application process also contributed to the dramatic growth of naturalization applications in FY 2007. In late-July 2007, the fees to initiate the process jumped from $400 to $675, and during the months preceding the fee hike, the monthly number of applicants grew significantly (Table 1).

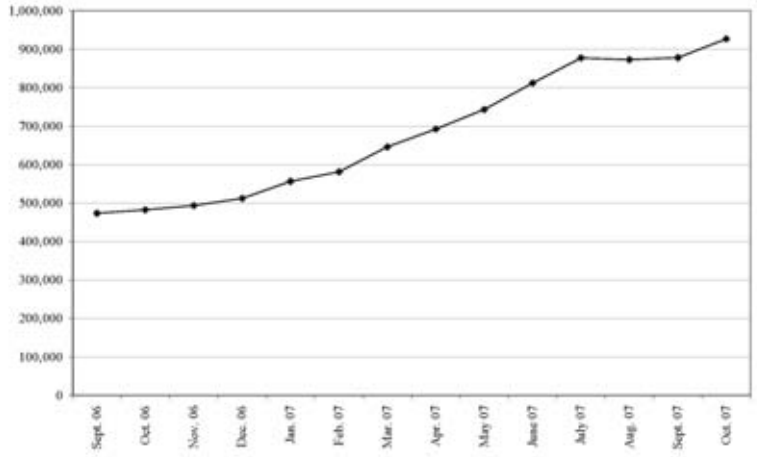
Table 1
Naturalization Applications Filed by Month
October 2006 – July 2007

October 2006	60,894
November 2006	64,665
December 2006	65,782
January 2007	95,622
February 2007	80,105
March 2007	118,656
April 2007	110,020
May 2007	115,175
June 2007	135,326
July 2007	129,699

Source: USCIS PAS G-22.3 data

As the dramatic increase in naturalization applicants proceeded, the USCIS' application backlog[2] began to grow steadily as well, and applicants started to experience longer processing times. At the end of FY 2005 and 2006, the number of naturalization applications pending was 552,940 and 473,467, respectively. By October 2007 – the first month of FY 2008 - that number had reached 926,864, a 96% increase from the end of FY 2006 (Figure 2).

Figure 2
Naturalization Applications Pending
September 2006 - October 2007



Source: USCIS PAS G-22.3 data

When the USCIS announced its estimate of a 16–18 month processing time for applications filed after June 2007, we were deeply concerned about the impact of this delay on newcomers who stepped forward to become Americans by choice. According to the USCIS' monthly application statistics, about a half a million legal permanent residents submitted applications between June 2007 and October 2007, and the agency's estimates that the actual number of applications exceeds the

[2] For the purposes of its operations, the USCIS defines its "backlog" through a formula that starts with the number of applications pending, and makes deductions for cases which are not "ripe" for processing because the agency is awaiting the results of record checks from other agencies, additional information from an applicant, or for other reasons the agency believes are not in its control. To provide information on the full scope of the applications awaiting adjudication, our testimony includes the full number of pending naturalization applications in the backlog.

number reflected in these data. From our experiences with applicants, we have seen that the demand for naturalization assistance has persisted even after the late-July 2007 fee increase. For example, in August 2007, the USCIS announced its intention to implement a program requiring newcomers to replace their legal permanent residency card if those cards have no expiration date. Although the USCIS does not appear to have any immediate plans to move forward with this proposal, Latino immigrants are very aware of it, and many are now choosing to naturalize as an alternative to replacing their permanent residency cards. Even if the monthly application numbers for November 2007 – January 2008 fall to the lowest level experienced at the beginning of FY 2007 (about 61,000 per month), about 183,000 additional applicants will join the more than half a million affected by the agency's announced processing delay.

The 16–18 month application processing time represents a significant increase over waiting times experienced by applicants in recent years. From our work with naturalization applicants, we found that in many parts of the country, newcomers were able to complete the naturalization process in 6–9 months. In September 2006, the USCIS announced that average processing times for naturalization applications had fallen to an average of five months. When the agency made the final announcement of its late-July 2007 fee increase, it re-affirmed its commitment to reducing processing times, and again cited the five-month figure as both a goal and one justification for the increase. Ironically, many of the newcomers who will be affected by the agency's delays are the very applicants who paid the higher fees.

The USCIS' challenges in addressing the naturalization backlog will be exacerbated by problems it continues to experience with its background check process. Before the FY 2007 increase in naturalization applications, the USCIS had made significant progress in reducing the average application processing time for all applicants. However, we know that many individual applicants have confronted lengthy and unfair delays in their applications because of the failure of the Federal Bureau of Investigation (FBI) to complete their background checks, which involves the FBI checking the applicant's name in several databases, to ensure the applicant does not have a criminal background or is otherwise ineligible for naturalization. The USCIS will not move forward with an applicant's naturalization unless this check is completed, but the agency also does not impose any time limit on the FBI for its completion. Thus, applicants awaiting the

results of this check are left in a "bureaucratic limbo," with no information about if or when they will ever become U.S. citizens.

There have been several lawsuits filed against the USCIS because of FBI name checks – in one of the most recent brought by advocates including the American Civil Liberties Union Foundation of California, the Asian Pacific American Legal Center and the National Immigration Law Center, one of the plaintiffs has been waiting since May 2003 and another has been waiting since April 2005 for the completion of their applications. Most of the calls we now receive from applicants we have assisted concern name check delays, and some of our applicants have been waiting as long as two years without their checks being completed. We are deeply concerned that FBI name check delays will make the challenges faced by the USCIS in addressing its increased workload even worse, and exacerbate naturalization processing delays for applicants throughout the nation.

The USCIS has announced several actions that it is taking to address the backlog. For example, the agency is in the process of hiring 1,500 new employees for its operations, and it will be implementing an emergency plan to re-hire about 700 retired employees. From discussions with both district and national level staff, we understand that the agency is utilizing a wide range of additional strategies, including accelerating the use of overtime by its staff, allowing the use of all overtime authorized for FY 2008 in the first six months of the fiscal year; allowing offices to schedule second shifts for staff; making some current "term" employee positions permanent; encouraging offices to schedule examination interviews on the weekend if there are appropriate facilities available; utilizing some asylum officers and offices to conduct interviews; and encouraging offices to see if some of the more "ministerial" tasks taken care of by examiners during interviews can instead be handled by clerical or information officer staff. However, we understand that the agency does not believe these measures will have an impact soon enough to ensure that most applicants who filed in FY 2007 will become U.S. citizens in FY 2008. For example, the agency has cited the time it takes for new employees to be recruited, trained and deployed in their new positions, and the fact that there will be a several month lag between when hiring first occurs, and when the new staff will provide a meaningful enhancement to the agency's processing capabilities.

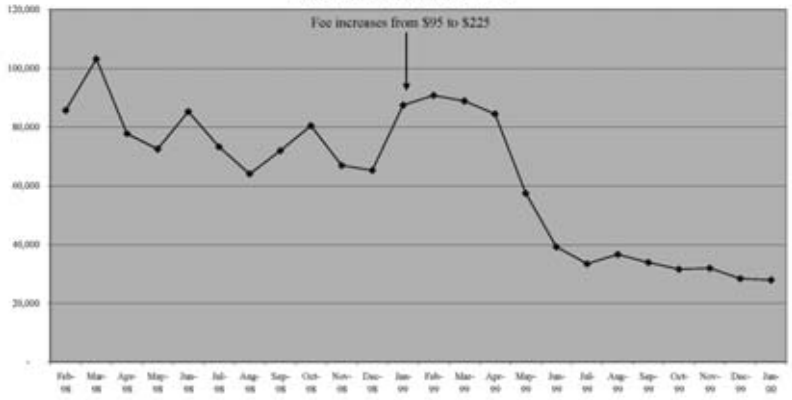
We believe that the USCIS' apparent contention that its capacity enhancement measures will not have a significant impact on reducing processing times during FY 2008 raises some serious questions about why the agency did not start to take action earlier to address the potential backlog. First, we provided the agency with as much advance notice as possible about our *ya es hora* campaign and the dramatic increase in applicants we thought our efforts would help produce. As early as November 2006, we initiated meetings with USCIS staff at both the district and national level, where we laid out our campaign plans. In fact, as we implemented different components of our campaign, we consulted frequently with USCIS district staff, and exchanged information about application numbers and our outreach efforts.

Other immigrant advocates and service providers also informed the USCIS of the anticipated increase of applicants in FY 2007. In April 2007, when many organizations filed their comments on the proposed fee hike, they expressed their concerns about the increased applications that they expected before the final implementation of the fee hike.

Moreover, we believe that past trends in naturalization application numbers also should have forewarned the agency about the potential for the FY 2007 increase. For example, in the mid-1990's, the social climate affecting naturalization was quite similar to the conditions that existed in 2006 and 2007. The federal government and some states enacted measures which imposed new restrictions on certain types of government assistance for non-citizens, and made dramatic changes in the policies affecting the detention and deportation of new immigrants, as well as their due process rights. The national and state debate of these measures was frequently framed in divisive and inflammatory terms, with immigrants being "scapegoated" for a broad range of social and economic problems. During this period, both private businesses and philanthropic organizations decided to make substantial investment in naturalization promotion and assistance, helping many groups, including ours, to mount U.S. citizenship campaigns and expand our capacity to provide naturalization services. Additionally, in January 1999, the Immigration and Naturalization Service (the predecessor of the USCIS) imposed a significant increase in the fees for naturalization, from $95 to $225.

All of the foregoing factors contributed to increases in naturalization applications leading up to the 1999 increase, followed by a significant drop thereafter. In FY 1993 and 1994, the number of naturalization applications filed each year was about 523,000 and 543,000 respectively. Between FY 1995 and FY 1998, the number of naturalization applications jumped dramatically, with the annual number ranging from about 930,000 to 1.4 million. In FY 1999, the annual numbers fell to about 765,000. Generally, the USCIS has experienced a similar pattern of application increases in the months before its major fee hikes, followed by a decrease in applications thereafter. The following three figures, which present the number of applications filed in the 12 months preceding and the 12 months following each of the major naturalization application fee hikes, demonstrate this trend. We note that the following figures show the impact of the "frontlogs" experienced by the USCIS – the delay between the time an application is actually received by the agency, and the time the agency enters it into its case management system, which can become particularly pronounced during times of heavy application volumes. Thus, in these figures, the decline in the number of applications filed does not appear until one to four months after the imposition of the fee increases.

Figure 3
Naturalization Applications Filed*
February 1998 - January 2000



Source: USCIS data

*The data in this figure reflect the month applications were entered into the naturalization case management system, rather than the actual month the applications were filed. Because of delays in the entry of applications, the data presented for a given month may include applications that were actually filed in previous months.

Figure 4
Naturalization Applications Filed*
March 2001 - February 2003

Source: USCIS data
*The data in this figure reflect the month applications were entered into the naturalization case management system, rather than the actual month the applications were filed. Because of delays in the entry of applications, the data presented for a given month may include applications that were actually filed in previous months.

Figure 5
Naturalization Applications Filed*
May 2003 - April 2005

Source: USCIS data
*The data in this figure reflect the month applications were entered into the naturalization case management system, rather than the actual month the applications were filed. Because of delays in the entry of applications, the data presented for a given month may include applications that were actually filed in previous months.

In light of the foregoing trends, we would question why the USCIS did not start to more effectively prepare to address the potential of serious application delays in Second and Third Quarter FY 2007, when it became clear that both the number of naturalization applications filed and the number of pending applications were increasing dramatically.

II. Policy Recommendations

We believe that the members of this subcommittee, the leadership of the USCIS, and those of us who work with and on behalf of our nation's newcomers, share the common goal of ensuring that all legal permanent residents who are pursuing their dream of U.S. citizenship can have their applications adjudicated in a timely and accurate manner. In order to achieve this goal, the USCIS must take swift and effective action to address naturalization processing delays. As it moves forward, the USCIS will need to work closely with Congress, other federal agencies, and state and local governments. The agency should also strengthen its relationships with national and local immigrant advocacy and service organizations, as well as private entities (such as the Spanish-language media) who can provide valuable assistance for the USCIS' efforts. In this regard, we recommend the following:

The USCIS must develop and implement a comprehensive plan that will significantly reduce future processing times from its current estimates. Under this plan, the agency must ensure that all qualified naturalization applicants who filed in FY 2007 are sworn-in as U.S. citizens by July 4, 2008.

- The USCIS' backlog elimination plan must provide a specific timetable for reducing the naturalization processing backlog, with measurable milestones and outcomes.
- To help ensure accountability for meeting its timetable, the USCIS should provide monthly reports to the public on pending naturalization applications and naturalization processing times. These reports should provide this information for each district office and sub-office that processes naturalization applications. To help community-based groups obtain these reports, they should be accessible in both a hard-copy format and on-line. In the past, the USCIS provided these data fairly consistently to a national working group of immigrant advocates and service providers; in recent years, the agency has been less consistent in providing national data, and has not broken down the data by district offices.

- The USCIS must provide specific information on how it intends to deploy the 2,200 new or re-hired workers it is bringing to the agency, and how this enhanced capacity will affect its ability to meet its plan's milestones and outcomes, including the timeline for the hiring and training of the workers, and their workload priorities.
- The USCIS' backlog elimination plan must examine other options available to the agency to reduce naturalization application processing times, which should include a thorough review of the management, process and technological enhancements that are available to the agency. In this connection, the USCIS should address how it will utilize the components of the business and infrastructure modernization plan, which was one of the justifications for imposing its fee increase, to eliminate the backlog. In addition, based on our discussions with the agency, it appears that the USCIS does not consider obtaining appropriated funding a viable strategy for backlog reduction. We urge the agency to at least explore whether additional resources could help in its efforts – we note that in the past, the USCIS sought and utilized appropriated monies as part of a five-year initiative to reduce application backlogs. Those resources assisted the agency in achieving a five-month average naturalization application processing time in 2006; the USCIS must seriously consider whether additional resources from appropriated funding could make its backlog reduction efforts more effective.

In implementing its backlog elimination plan, the USCIS must work closely with national and local immigration advocacy and naturalization service providers, and private businesses that reach the newcomer community. On the national level, the USCIS has met regularly with working groups of stakeholders on a variety of naturalization policy issues, including the preparations for its newly re-designed U.S. citizenship examination. These meetings have allowed the key USCIS staff who have "hands on" responsibility for naturalization operations to consult with and provide information to organizations that have a deep understanding of the needs of naturalization applicants. These meetings have helped the agency arrive at practical solutions to some of the challenges faced as it moves forward with new programs, and helps the agency gain valuable knowledge about the impact of its policies on the immigrant community. By providing the stakeholders with updates on its plans and progress, the USCIS helps ensure that community members get reliable information about the naturalization process.

The USCIS must also issue strong directives to the leadership of its district offices so that officials in those offices meet regularly with local naturalization stakeholders. From our work in various parts of the country, we have found that there is great variance in the extent to which different district officials are willing to consult with and provide information to local stakeholders. In the Los Angeles USCIS district office, we have an extremely effective partnership with the office's leadership that not only benefits the immigrant community, but also assists the district office itself in carrying out its activities. Participants in our *ya es hora* campaign met regularly with staff in the district, and those meetings helped the office in its planning for the dramatic increase of applicants that occurred in FY 2007. These meetings enable district officials to provide information that help them conduct their operations more efficiently. For example, the district has informed *ya es hora* stakeholders of the importance of naturalization applicants keeping their interview and swearing-in appointments, and the challenges the office faces when applicants do not show up. These officials also let the *ya es hora* stakeholders know about their plans to start scheduling interviews on Saturdays. This information enabled the *ya es hora* stakeholders to educate naturalization applicants about the need to keep appointments, and to give them advance notice about the policy of Saturday interviews.

In Los Angeles, district officials meet regularly with stakeholders through a Naturalization Advisory Council. These officials are also willing to hold *ad hoc* meetings with stakeholders to address emerging or unanticipated concerns. We believe that it is critical that the USCIS replicate the model of the USCIS-stakeholder partnership that exists in Los Angeles. This directive should come from the highest USCIS national leadership, and should be included in the performance objectives of district officials.

The USCIS should work with the Department of Homeland Security (DHS) to examine whether the current policies on the acceptance of gifts by federal agencies from non-federal sources need to be streamlined, to enable the agency to use facilities or other infrastructure provided by state and local government to assist with backlog reduction. In order to expand its capacity to conduct naturalization interviews, in some districts, USCIS offices would benefit from being able to utilize space made available by state or local government agencies (such as agency office space

or public school sites). However, we understand that the current policies governing the acceptance of gifts by the USCIS from non-federal sources are posing a bureaucratic obstacle and impairing the ability of the USCIS to quickly make use of the facilities and resources that may be available from state and local governments. The USCIS and DHS should make an expeditious determination of whether appropriate changes in gift acceptance policies would enable the USCIS to more effectively utilize these resources. Should these changes require Congressional approval, the DHS should work with Congress to obtain that approval as quickly as possible.

The USCIS, the OMB and Congress must work together to ensure expeditious approval of the agency's reprogramming request. We understand that in order to address the naturalization backlog, the USCIS will need to spend more in FY 2007 than was initially approved by Congress. To obtain this spending authority, the agency has submitted a reprogramming request to the Office of Management and Budget (OMB), and Congress must approve this request after the OMB reviews it. In the past, Congress has taken several months to act on agency reprogramming requests, which has delayed critical agency initiatives. We urge Congress to approve the current reprogramming request as soon as possible after the request comes before it.

USCIS and FBI must institute new policies to eliminate naturalization processing delays caused by uncompleted background checks. These lengthy application delays are simply unacceptable, and the USCIS must work with the FBI to address them immediately. As noted above, even before the FY 2007 increase in applicants, FBI name check problems contributed to unfair processing delays for many individuals. The extra workload resulting from the FY 2007 increase will exacerbate these problems, and slow naturalization processing for applicants throughout the nation. We understand that the name checks play an important role in protecting our national security and their purpose is to ensure that applicants meet the eligibility requirements for naturalization. However, we believe we can institute policies that will allow us to simultaneously achieve these goals and ensure that newcomers are treated fairly when they pursue U.S. citizenship.

First, the USCIS should impose a 90-day deadline for the completion of background checks from the date the agency submits its request to the FBI, and the FBI should start to thoroughly document the reasons for its failure to complete any checks within this period. The FBI and the USCIS should conduct a thorough review of background checks practices, which should include information about the number of checks conducted on naturalization applicants, the types of such checks, and the average time spent on them. The review should also examine the obstacles that prevent the timely completion of the checks. The FBI should report to Congress and the DHS on checks that are delayed extensively – such as checks that have not been completed in six months. Finally, the FBI should also provide an annual report about its background check performance, which includes the efforts being undertaken by the agency to ensure that all checks are completed within 90 days.

III. Conclusion

Madam Chair, legal permanent residents who choose to become U.S. citizens are eager to express their commitment to our nation and embrace its democratic traditions and values. When they apply for naturalization, our nation has an opportunity to extend a welcome that affirms and strengthens their commitment. When the U.S citizenship process becomes a "bureaucratic steeplechase," and newcomers are confronted with lengthy delays, they are seeing the worst face of this nation at the very time they should be seeing it at its best. By eliminating unfair naturalization processing delays, we will ensure that both immigrants and our nation reap the benefits of U.S. citizenship. Naturalization enriches our economy and society by enabling talented newcomers to fill jobs and embrace opportunities that are only available to U.S. citizens. When new Americans participate in the electoral process, they help renew and maintain the vigor and vitality of our civic life. Newcomers share our dream of a country with a robust economy and a vibrant democracy. We call on the USCIS to take swift and effective action to ensure that a bureaucratic nightmare does not thwart the realization of this dream.

I thank the Chairwoman, the Ranking Member, and the Subcommittee once again for providing us with the opportunity to share our views today on the naturalization delays.

Ms. LOFGREN. Mr. Tsao.

TESTIMONY OF FRED TSAO, POLICY DIRECTOR, ILLINOIS COALITION FOR IMMIGRANT AND REFUGEE RIGHTS

Mr. TSAO. Good morning, Chairwoman Lofgren, Members of the Subcommittee. My name is Fred Tsao. I am the policy director of the Illinois Coalition For Immigrant and Refugee Rights. ICIRR is a coalition of more than 100 member organizations throughout Illinois that works to build the capacity of immigrants and refugee communities and to advocate for policies that will move immigrants and refugees toward full participation in our society. Thank you again for this opportunity.

I am proud to be the son of two naturalized citizens. My mother took her oath in February 1964, 1 month before she gave birth to me so I was there. My father became a citizen in December 1971 after 22 years in the United States, including 16 years without legal status after barely fleeing the communist takeover of China. Both of my parents applied within weeks of becoming eligible. My parents understood the value of citizenship. Fortunately, more and more long-term legal immigrants are also realizing the importance of U.S. citizenship. NALEO's Ya Es Hora campaign, our own New Americans Initiative and other efforts across the country, have helped legal immigrants understand how they can improve their lives, find their voice and contribute further to this country by becoming citizens. This has been borne out by the rising numbers of applications filed all through 2006 and 2007.

Obviously, immigrants also understand the cost of applying for citizenship. The prospect of a 70 percent rise in application fees drove many immigrants to file sooner rather than later. In January 2007 after USCIS made its intentions known, the Agency issued an unprecedented 95,000 naturalization receipts. The numbers jumped even further when the free proposal was actually published. Starting in March and continuing through July, USCIS averaged 120,000 receipts each month. Months after the fee increase became final on July 30, it was still issuing receipts for applications filed in June and July. The result: projected processing backlogs of 16 to 18 months and would-be citizens who would miss this year's elections through no fault of their own.

ICIRR opposed the increase as a brick in a second wall, a wall that would keep legal immigrants from becoming citizens. We warned that such a steep increase would create a surge in citizenship and other applications that USCIS must be prepared to handle and indeed could have seen coming as early as last January. We joined thousands of organizations and individuals in filing comments and worked with Congressman Gutierrez and Senator Obama on a Citizenship Promotion Act that would, among other things, would have frozen the fees. Yet the Agency proceeded with the increase, failed to plan well enough for it and got swamped.

So where do we go from here? We endorse NALEO's goal that USCIS process these backlog applications by July 4 so that these applicants can celebrate our Nation's independence as U.S. citizens and vote this November. We are encouraged that USCIS plans to rehire 700 retirees and recruit and train more officers. USCIS should report to this Committee on its progress not just in address-

ing the backlog itself but also in implementing its staffing plans and other measures, all without diminishing the integrity of the process. In the spirit of cooperation, ICIRR is willing to work together with USCIS to solve this problem.

Meanwhile, USCIS must address the 150,000 applicants whose cases are stuck in name check delays at the FBI. Immigrants with no criminal record from Russia, India and disproportionately the Middle East must wait years for the FBI to confirm that their records are clear. Congress has appropriated $20 million to USCIS to fix the situation, and we hope that USCIS and the FBI will plan wisely and spend these funds efficiently. Both agencies should set clear goals and timetables for addressing these delays and should report regularly to this Committee on their progress. In closing, ICIRR hopes that USCIS will muster the sound management and additional capacity it will need to give prompt careful and thorough consideration to all of the applicants now in its backlog.

We hope that this Committee will be watching closely to see that USCIS keep the promise of citizenship and full participation that our Nation has extended to these hundreds of thousands of aspiring Americans. Thank you again for your invitation and your attention.

[The prepared statement of Mr. Tsao follows:]

PREPARED STATEMENT OF FRED TSAO

U.S. House of Representatives
Committee on the Judiciary
Subcommittee on Immigration, Citizenship,
Refugees, Border Security, and International Law

Hearing on Naturalization Delays:
Causes, Consequences, and Solutions

Testimony of

Fred Tsao
Policy Director
Illinois Coalition for Immigrant and Refugee Rights

January 17, 2008

Good morning. My name is Fred Tsao. I am the policy director of the Illinois Coalition for Immigrant and Refugee Rights (ICIRR). ICIRR is a coalition of more than 100 member organizations throughout the state of Illinois that works to build the power and capacity of immigrant and refugee communities and to advocate for policies that will move immigrants and refugees toward full participation in our society. Thank you for the opportunity to speak before this subcommittee.

I was fortunate to have been born in this country and to be a US citizen by birth. I am also proud to be the child of two naturalized citizens. My mother took her oath on February 11, 1964, 25 days before she gave birth to me. My father became a citizen on December 7, 1971, after 22 years in the United States, including 16 years without legal status after just barely fleeing the Communist takeover of China. Both of my parents applied within weeks of becoming eligible for citizenship.

I am also fortunate that I work at a job where I can assist and advocate on behalf of people like my parents, immigrants who have come to the United States, work hard, and want to become citizens. My organization runs a citizenship initiative in partnership with the State of Illinois. The New Americans Initiative promotes the value of citizenship, and organizes workshops where legal workers and trained volunteers help legal immigrants complete their citizenship applications. During the past three years, the initiative has assisted more than 30,000 legal Illinois immigrants with their paperwork, and has reached out to thousand more.

ICIRR also raised concerns regarding unnecessary and unreasonable obstacles that can block the way to citizenship for many immigrants. We have worked on such issues as the new citizenship test and previous fee increases, all of which we feared would limit access to naturalization. We have called these barriers a "second wall"—in contrast to the wall now being built on the southern border, this wall would keep legal immigrants from becoming full members of our nation. In coalition with several national and state immigrant advocacy organizations, we worked with Rep. Gutierrez and Sen. Obama to write a Citizenship Promotion Act that was introduced last March and that would, if passed, address the fees, the test, and other citizenship-related matters.

Now we are facing yet another obstacle, one arising not, we hope, from an agency initiative, but from lack of initiative. Just before Thanksgiving, USCIS made known that citizenship processing times could stretch out to 16 to 18 months. Someone who applied in June 2007 may need to wait until November 2008 or even later to get her interview, and then beyond that to take the oath. These aspiring citizens would completely miss out on the November 2008 elections through no fault of their own.

What happened? Hundreds of thousands of immigrants submitted their citizenship applications in anticipation of the fee increase that took effect July 30. From March through July 2007, USCIS issued receipts for an average of 120,000 applications each month. USCIS was already seeing unprecedented numbers of citizenship application throughout 2006 and early 2007, as many long-term legal immigrants began to realize the stake they have in this country and the impact they could have as citizens and voters. NALEO's Ya Es Hora campaign, ICIRR's New Americans Initiative, and other outreach efforts across the country brought across to these long-

term legal immigrants how they can improve their lives by becoming citizens. During calendar year 2006, USCIS averaged more than 64,000 citizenship receipts per month, and issued 95,000 more in January 2007. But the agency's announcement last February 1 of a proposed 70% increase in citizenship fees clearly motivated many individuals to not delay their applications any longer.

ICIRR opposed the fee increase as precipitous and unjustified. We were particularly concerned about the impact of the increase on working immigrants who would need to save that much more in order to afford the costs. We also fully anticipated that such a steep increase would drive immigrants to apply sooner rather than later. As USCIS planned the fee increase, it could have easily foreseen that the increasing numbers of applications would rise still further. Indeed, as word of the proposed fee hike spread through immigrant communities, the surge was already happening in March, before the fee proposal was even made final. Yet the agency proceeded with the fee increase, and the deluge ensued.

Meanwhile, another group of applicants who had long ago filed for naturalization were still waiting for decisions on their cases. These applicants were stuck in name-check limbo, waiting for the FBI to certify that their criminal records were clear. Unfortunately for many immigrants, especially those with variant spellings of their names, these delays have proved interminable. Immigrants from Russia, India, and disproportionately the Middle East now must endure waits of years for their names to clear. Approximately 150,000 are still waiting.

So where do we go from here? It is not acceptable to just tell these applicants to wait. USCIS's long-stated goal has been to process each application within six months. The Immigration and Nationality Act itself assumes a short processing time for citizenship. Section 334 enables citizenship applicants to file their applications three months before they meet the continuous residence requirement, in most cases five years of permanent resident status. Also, section 336 allows an applicant to go to court if her application is pending more than 120 days after her interview without a decision. Indeed, when my parents became citizens so many years ago, it took them each less than four months.

ICIRR is happy that USCIS plans to rehire 700 retired officers to help with this backlog. These officers should require little if any retraining, and should therefore be able to quickly join their hardworking colleagues in digging into these applications. We hope that these officers will come back on line soon.

More important, ICIRR believes that USCIS should set a goal for when it will get through the application backlog. We endorse NALEO's call for USCIS to process these backlogged applications by no later than July 4, so that all of these applicants can celebrate our nation's independence as US citizens and can vote this November. USCIS should also report on its progress, not just in addressing the backlog itself, but in implementing the rehiring plan and the other measures it plans to take. In the spirit of cooperation, we also offer to find ways to work together with USCIS to solve this problem.

We do not want to lose sight of the name check delays. This year's omnibus appropriations bill provided $20 million to USCIS to address the name check delays, conditioned on the Attorney

General and the Secretary of Homeland Security submitting a plan to eliminate the delays to the House and Senate Appropriations Committees. We hope that USCIS and the FBI will plan wisely and spend these funds efficiently. We believe that both agencies need to set clear goals and timetables for addressing these delays, and should report regularly to this committee and other relevant committees on its progress.

USCIS obviously failed to anticipate or plan to address the enormous outpouring of citizenship applications during the past year. ICIRR hopes that the agency will muster the sound management and additional resources it will need to give prompt consideration to all of the applicants now in its backlog. We hope that this committee will be watching closely to see if USCIS can keep the promise of citizenship and full participation that our nation has extended to these hundreds of thousands of aspiring Americans.

Thank you again for your invitation and your attention.

Mr. TSAO. I should note for the record that we have submitted for the record of this hearing a letter addressed to Dr. Gonzalez signed by 187 organizations and individuals expressing concern about the backlogs and urging immediate action.

Ms. LOFGREN. Without objection, that letter will be made part of the record.

[The information referred to is available in the Appendix.]

Ms. LOFGREN. And we will turn now to you, Ms. Jenks. Welcome again to our Committee room.

TESTIMONY OF ROSEMARY JENKS, GOVERNMENT RELATIONS DIRECTOR, NUMBERS USA

Ms. JENKS. Thank you very much Madam Chairwoman, Members of the Subcommittee. Thank you for the opportunity to appear before you to talk about how the growing delays in our naturalization process should be addressed and how they shouldn't be addressed. My organization, Numbers USA, represents more than half a million U.S. citizens and lawful permanent residents from every congressional district, every walk of life across the political spectrum. The one thing they all agree on is the value of U.S. citizenship because every time they send a fax or make a phone call to their representative from Congress, they are experiencing that value directly. We believe strongly that naturalization should be the goal of every LPR and the high point of the experience in America. Therefore, it has got to be done in a timely way and an efficient way but it cannot compromise the integrity of the process of citizenship nor can it compromise America's security.

Almost 11 years ago, I testified before this Subcommittee about the integrity of the naturalization process in the aftermath of the Citizenship USA program, which Congressman King mentioned. That program is typical of the way USCIS and the INS before it addressed backlog reduction. They wait until there is a crisis. Even though, as we have heard many times today, the increase in numbers is almost always foreseeable. They wait until the crisis is upon them and then they start tying to react. The first thing they do is detail employees from one part of the Agency to another even though they may not be trained in how to adjudicate naturalization applications. Then they start hiring temporary workers. We heard that is already in progress. The problem is, again, the training of those temporary workers is not always—not usually up to par. When those things don't work, then the typical reaction is to bring in an outside consulting firm and reengineer the process. The results are not surprising. The result is chaos. In the Citizenship USA program, the results were very instructive.

The KPMG Pete Marwick review after the fact found that of the 1,049,872 immigrants who were granted U.S. citizenship under that program, 71,557 had FBI criminal records. Of those, at least 10,800 had at least one felony arrest. There were 180,000 who got no background check at all, either because their fingerprints were illegible and therefore returned by the FBI and not resubmitted, or because their fingerprints were never submitted in the first place. That cannot be allowed to happen again.

In 1996 and 1997, when I was discovering the lengths to which INS officials went to meet their processing goals, my primary con-

cern was the irreparable harm that was done to the citizenship process. Today I am still appalled at the absolute contempt they showed for the integrity of the process. But I am more horrified by the certainty that the Citizenship USA program gave the highest honor that America has to offer to terrorists and their supporters. We have proof of that. We were assured after that program that the process had been changed. There was no possibility, Commissioner Meissner testified, that someone could become naturalized without the FBI background check being done. It simply couldn't happen. Well, it has happened since then. It happened in 2002. There was an Office of Internal Audit, then INS, report on how we naturalized a known terrorist in 2002.

In 1998, Congress codified a requirement that the INS—then, now USCIS—adjudicators receive an affirmative result from the FBI indicating that all background checks, all required background checks have been completed prior to scheduling an interview. That means that in every one of the mandamus cases that have been discussed here and every single one of those cases since 1998, the agency broke the law. They broke the law and therefore they are being sued. The suits can't happen unless they do what they are not allowed by law to do and schedule the interview before they get the criminal check results back. But their own Federal regulations state unequivocally that the naturalization interview may not be scheduled until they have affirmative results from the FBI. And yet, still, we know that it is still happening.

A March 16, 2006, USCIS internal memo includes a paragraph that essentially says that they continue to violate the law because of congressional and Presidential mandates on processing times and backlog reduction. So because Congress is pressuring them, they are breaking the law that Congress set.

For too long, we have focused on quick fixes, a crisis arises and we, you know, scramble to deal with it. We have got to get out of that mold. We have to go back and realize that the basic foundation of the process is broken. It needs to be fixed. Without a high-tech computer system, they cannot accomplish the goals that we would like them to accomplish. Without training, they cannot accomplish the goals. Their personnel policies have to be taught to the employees, and they have to all understand that nothing can trump national security. And I will leave it at that. Thank you.

The prepared statement of Ms. Jenks follows:]

PREPARED STATEMENT OF ROSEMARY JENKS

Testimony of

ROSEMARY JENKS

Director of Government Relations,

NumbersUSA

On

Naturalization Delays: Causes, Consequences and Solutions

Before

The Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law

of the

JUDICIARY COMMITTEE

U.S. House of Representatives

January 17, 2008

NumbersUSA Education and Research Foundation
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Madame Chairwoman, Ranking Member King, Members of the Subcommittee, thank you for the opportunity to appear before you today to talk about how the growing delays in our naturalization process should be addressed. My organization, NumbersUSA, represents more than half a million U.S. citizens and lawful permanent residents (LPRs) from every Congressional district in the country and from across the political spectrum. They are environmentalists, engineers, drywallers, retirees, college students, stay-at-home moms, small business owners, police officers, and teachers. The represent every socio-economic group and every race and ethnicity, and they approach the immigration issue from half a million different perspectives. One thing that every single one of our activists agrees on, however, is the value of U.S. citizenship because they experience it directly every time they send a fax or make a phone call to their Senators or Representative.

NumbersUSA believes strongly that naturalization should be the goal of every LPR and the highpoint of the immigrant experience in America. We believe just as strongly that U.S. citizenship should be bestowed only upon those who have earned it by meeting the legal requirements and who are willing to take on the responsibilities of citizenship, as well as enjoy the rights it affords. We believe that the naturalization process should be as efficient and timely as is possible without compromising its integrity or America's security. We adamantly oppose attempts to "balance" efficiency with security and/or integrity. National security and the integrity of the process must always come first.

The good news is that the naturalization workload is, to a large extent, predictable three to five years in advance. Since most[1] naturalization applicants must have resided in the United States as LPRs for either three years, in the case of spouses of U.S. citizens, or five years, annual LPR grants can be used as a rough indicator of what to expect with naturalization applications in three to five years.

Clearly, there are other factors—including election cycles, the enactment of laws like welfare reform that affect aliens and citizens differently, and the adoption of alien-specific policies like the green card replacement program implemented in the mid-1990s—that may encourage eligible LPRs to apply for naturalization in large numbers at a given time. However, a cursory look at official LPR and naturalization numbers supports the use of the former to predict trends in the latter. For example, the record numbers of aliens granted LPR status in 1990 and 1991, the peak years of the 1986 IRCA amnesty, should have served as notice to the then-Immigration and Naturalization Service (INS) that there would be a surge in naturalization applications beginning as early as 1993. Ideally, the INS would have used this lead-time to hire additional staff, ensure that new hires were fully trained, test data systems, and review background check procedures. It would have methodically ramped up its adjudications capacity while maintaining the integrity of the process. Ideally, Congress would have given the INS the green light to do all this and used its oversight authority to ensure that it was done properly.

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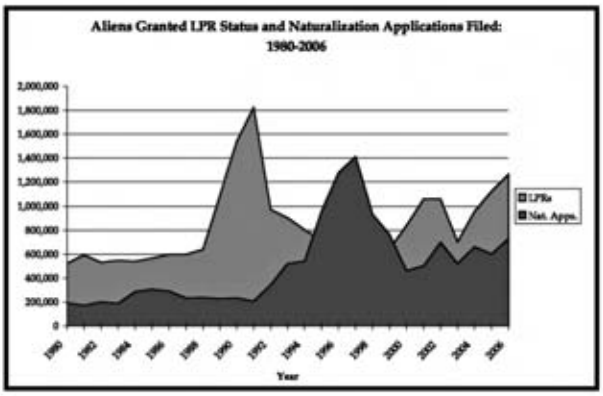
[1] There is no residence requirement for employees of certain nonprofit organizations or active-duty members of the Armed Forces, along with their spouses and children. 8 U.S.C. 1430, 1439, 1440.



Instead, the INS went on with business as usual until the surge in naturalization applications had overwhelmed every office.

Over the past 18 years of observing first INS', and more recently US Citizenship and Immigration Services' (USCIS), attempts to address backlog pressures, I have come to dread hearing the phrase, "backlog reduction," or anything synonymous with it. It is as if this phrase causes some irresistible impulse in agency managers to make the same bad decisions and take the same risky shortcuts that inevitably get them in trouble in the hopes that the outcome will be different this time.

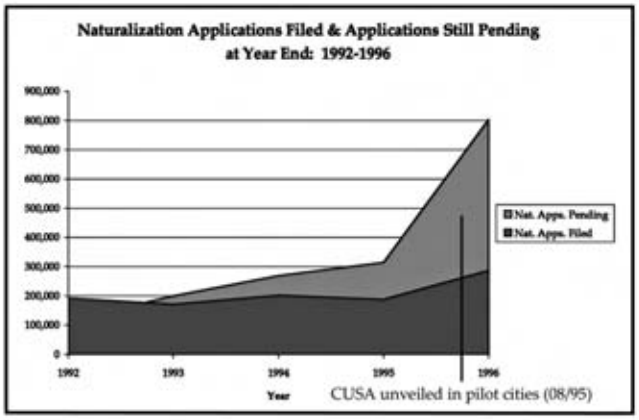
Backlog reduction programs should be put in the context of a larger, predictable (and thus avoidable) sequence of events. The sequence starts with a rapid, often foreseeable, rise in the number of applications of one sort or another being filed. Front-line adjudicators, who

generally already have plenty of work to keep them busy, have to bear the brunt of the additional workload and soon begin to fall behind. As the pending caseload grows, frustrated applicants increase the frequency of their calls to the agency to try to sort out the cause of the delay. When calls to the agency fail to produce results, the applicants (or their family members) begin calling their elected officials, including Members of Congress. Eventually, the political offices will shift the pressure back onto the agency to speed up the process.

Once INS/USCIS management is on the radar screen of enough Members of Congress to make them uncomfortable, bad decisions start piling up. First, they attempt to address the backlog by shifting resources from other programs into the one that is backed up. Rather than fixing the problem, the transfer of resources results in delays or backlogs in the programs from which the resources are being transferred, which only generates more pressure from Congress.

At this point, management decides they need to bring in a consultant and "reinvent" or "re-engineer" the process that first bogged down. The first step is for the outside firm to assess the current process, which slows it down even more as adjudicators and supervisors are tasked with educating the consultants.

Once the assessment is complete—or at least as complete as can be expected from outside consultants whose expertise is generally efficient management, rather than national security or immigration—the consultants propose a "streamlined" process, usually with a catchy name, that promises to slash processing times and eliminate the backlog. Field offices are sent a memo from Headquarters that details the new procedures, which are effective immediately, and chaos ensues.



For example, as this chart indicates, the Citizenship USA program was announced and implemented at a time when the backlog was still increasing rapidly and new applications were being filed at record levels. The collapse of the entire process was almost a foregone conclusion.

Almost immediately, adjudicators begin to realize that "streamlining" actually means eliminating some of the security procedures, since they are the most time-consuming parts of the adjudication process. Oftentimes they find that the plan involves contracting out part of the process, and that there are no safeguards in place to govern who the contractors are or whether they may have their own agendas. Then they find themselves working side-by-side with "term workers" or other new hires who have been provided no training, have not been

subjected to background checks, and have no security clearances to access the databases required to do background checks on applicants for benefits, but are nonetheless approving applications at break-neck speed.

Before long, a handful of employees will decide they cannot, in good conscience, remain silent about the "reinvented" process, and they will quietly begin to pass along information to Members of Congress detailing the failures of the process. They will almost certainly lose their jobs for their efforts, but Congress will make enough of a stink that management will abandon the new program and reinstitute the old process. Of course, by that time, the applications from the backlog will virtually all have been approved and the mission accomplished, except for some minor cleanup efforts if Congress is really upset.

Then, it's back to business as usual—except for the fact that the recent focus on one form of application and the elimination of that backlog allowed a backlog another kind of application to start piling up. And thus it begins again.

This sequence has repeated itself over and over again. It has played out in every major backlog reduction effort I have seen over the past 18 years, and I have no doubt it will continue to play out in every future such effort until Congress finally breaks the pattern.

Citizenship USA

Almost 11 years ago, I testified before this Subcommittee about the integrity of the naturalization process in the aftermath of the Citizenship USA initiative. I have attached my statement from that hearing for several reasons:

1) In the months before I wrote it, I was given access to the thousands of pages of internal memos, emails, and other documents that had been subpoenaed from INS by the National Security, International Affairs and Criminal Justice Subcommittee of the House Government Reform and Oversight Committee. It contains a level of detail that is not necessary for today's hearing, but it would be useful for anyone at USCIS interested in what NOT to do to address the current backlog of naturalization applications;

2) In 1996 and 1997, when I was discovering the lengths to which INS officials were willing to go in order to meet their processing goals, my primary concern, as the statement makes clear, was the irreparable harm they had done to the integrity of our citizenship process. Today, while I am still appalled at the absolute contempt they showed for the integrity of the process, I am most horrified by the certainty that, through the Citizenship USA program and in its aftermath, the highest honor America has to offer was bestowed upon terrorists and their supporters who would destroy everything America represents; and

3) Despite the assurances of then-INS Commissioner Doris Meissner that the mistakes of Citizenship USA had been corrected (see pages 12-13), despite a direct warning in the KPMG Pear Marwick review of the implementation of the post-Citizenship USA naturalization policy about our continuing inability to identify statutorily-barred applicants, and despite the subsequent Coopers and Lybrand review of the entire

process, there is reason to believe that we still have not fully closed the loopholes that could allow terrorists to become naturalized U.S. citizens.

Naturalizing a Known Terrorist

A report by the Office of Internal Audit of the then-INS details how a known terrorist was naturalized in late 2002 (report is attached). Some of the procedural deficiencies cited as having allowed this outcome are identical to those uncovered during the Citizenship USA program and those that Commissioner Meissner stated unequivocally had been corrected:

- The naturalization interview was scheduled and the application approved before results from the FBI check were received;
- The adjudicator failed to catch a disqualifying violation listed in the National Automated Inspector Lookout System (NAILS);
- The adjudicator was not properly trained in doing background checks in the Interagency Border Inspection System (IBIS);
- The INS employee in possession of the terrorist's A-file failed to forward it to the adjudicator upon the latter's request, so the adjudicator created a temporary file instead; and
- The INS Agent assigned to the Joint Terrorism Task Force failed to report information about the terrorist to INS.

USCIS Continues to Ignore FBI Fingerprint Check Law

In 1998, Congress codified the requirement that INS/USCIS adjudicators receive affirmative results from the FBI indicating that all required criminal background checks have been completed prior to making a final determination on an application for naturalization. (Pub.L 105-119) The federal regulations that govern USCIS adjudicators state unequivocally that the naturalization interview may not be scheduled until affirmative results on the criminal

background check have been received from the FBI. Despite this, an internal USCIS memo (attached) dated March 16, 2006, includes the following paragraph essentially arguing that USCIS continues to violate the law and its own regulations on this *because* of "Congressional and Presidential mandates on processing times and backlog reduction."

> *American-Arab Anti-Discrimination Committee (ADC) "120 Day Cases" in District Court. The Department of Justice is greatly concerned with the number of these actions that are pending. A concerted effort to file such cases in district court pursuant to 336(b) of the Act is being championed by the American-Arab Anti-Discrimination Committee. DOJ/OIL believes that CIS violates its own regulations (at 8 C.F.R. 335.2(b)) in holding interviews before checks are done, and that DOJ is left without a good argument to make when advocating these cases before district courts. While DOJ understands the Congressional and Presidential mandates on processing times and backlog reduction that CIS labors with, OIL nonetheless has expressed in the strongest terms a desire that CIS conducting the naturalization process in this way* [sic].

Conclusion

The immigration adjudication system is broken. For too long, we have focused on quick fixes to sudden crises, rather than on building a solid foundation on which increased capacity could be built without collapsing the entire system. USCIS needs to focus on the basics:

- A solid, integrated information technology system that can be upgraded and expanded as needed;
- Training—in the law, in the national security threats we face, and in the adjudication process—for all adjudicators *before* they are put on the job;
- Personnel policies that measure quality, not quantity, of adjudications and that reward employees for doing the right thing, not just the expedient thing; and
- An understanding that nothing trumps national security or the integrity of the process.

Once the basic foundation is in place, USCIS will be in a better position to handle all the challenges that will come—and come, they will. Only three years in the history of immigration to the United States saw larger numbers of aliens granted LPR status than 2006. The next surge in naturalization applications is likely to follow right on the heels of the current one.

It is time for Congress to step in and exercise its oversight authority with a firm hand and finally help USCIS establish a solid, secure adjudications system that we can all be proud of and that will assist in the effort to secure our homeland, rather than undermine that effort. Otherwise, history will continue to repeat itself and the lists below will grow longer.

Naturalized U.S. Citizens Involved in Terrorist Activities[2]

- Abdurahman Alamoudi—Country of birth: Kuwait. Pleaded guilty on July 30, 2004, to federal offenses relating to terrorist financing and to making false statements in his naturalization application, and is now serving a 23-year prison sentence. Alamoudi was naturalized in 1996 under the Citizenship USA program.
- Nada Nadim Prouty—Country of birth: Lebanon. Entered the United States with a student visa in 1989 and overstayed it. Entered into a sham marriage in 1990 and was naturalized in August 1994. She worked for the FBI and the CIA. On November 13, 2007, she pleaded guilty to naturalization fraud, illegally accessing a government database, and conspiracy to defraud the government.
- Iyman Faris—Country of birth: Kashmir. Pleaded guilty in May 2003 to casing the Brooklyn Bridge for al Qaeda, as well as researching and providing information to al Qaeda regarding the tools necessary for possible attacks on U.S. targets. He was naturalized in 1999 and used his new U.S. passport to travel to Afghanistan and Pakistan where he met with Osama bin Ladin and Khalid Sheik Mohammed about potential U.S. targets. He also conspired with Nuradin Abdi to bomb a Columbus shopping mall. In October 2003, Faris was sentenced to 20 years in prison.

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[2] This list and the two that follow it are by no means exhaustive. They are based on:
(1) Information available on the internet;
(2) Steve Camarota, *The Open Door: How Militant Islamic Terrorists Entered and Remained in the United States, 1993-2001*. Center for Immigration Studies. (2002).
(3) Janice L. Kephart, *Immigration and Terrorism: Moving Beyond the 9/11 Staff report on Terrorist Travel*, Center for Immigration Studies, September 2005.

- Ali Khaled Steitiye—Country of birth: Lebanon. Linked to the "Portland Six" terror cell. Naturalized in May 2000, despite four felony convictions and lying during his naturalization interview. Convicted on unrelated fraud charges, sentenced to a prison term of 30 months, and denaturalized in September 2002.
- Enaam M. Arnaout—Country of birth: Syria. Pleaded guilty on February 10, 2002, of racketeering conspiracy and admitted that, as director of the Benevolence International Foundation, he "fraudulently obtained charitable donations in order to provide financial assistance to persons engaged in violent activities overseas."
- Yong Ki Kwon—Country of birth: South Korea. Member of the Virginia Jihad Network, which provided weapons training to its members in preparation for Jihad. Pleaded guilty to conspiracy and weapons charges and is serving a prison term of more than 11 years.
- Fawaz Damrah. PIJ fundraiser and mosque leader in Ohio. Denaturalized in 2004.
- Sami Al-Arian—Country of birth: Kuwait. PIJ leader in U.S. Sentenced in May 2006 to 57 months in prison.
- Hassan Faraj—Country of birth: Syria. Benevolence Int'l Foundation (BIF), Al Qaeda links. Came to US in 1993 as Bosnian refugee; charged with naturalization fraud in June 2004.
- Sami Khoshaba Latchin—Country of birth: Iraq. "Sleeper spy" for Iraqis during Saddam Hussein era. Charged with naturalization fraud.
- Rafir Dhafir—Country of birth: Iraq. Sent money to Iraq in violation of U.S. sanctions; possible PIJ/Hamas association but not confirmed. Naturalized and charged with defrauding his own charity, Help the Needy and violating U.S. sanctions against Iraq.
- Rasmi Khader Almallah—Country of birth: Jordan. HLF (Holy Land Fdn) (Hamas) and former employer of a WTC1 bomber. Entered into a sham marriage in 1981 and naturalized in 1988; civil complaint filed in 2004 to revoke naturalization based on sham marriage.
- Ahmed Al Halabi—Country of birth: Syria. Al Qaeda link and former Gitmo translator accused of spying for Syria. Naturalized in 1990s and pled guilty to mishandling military documents in 2004.
- Abdulrahman Odeh. Hamas, HLF. Indicted in 2004 for terror financing, providing material support.
- Numan Maflahi—Country of birth: Yemen. Suspected Al Qaeda member. Convicted in July 2004 for lying to fed authorities about ties to a known Al Qaeda-linked sheik.
- Mufid Abdulquader—Country of birth: Palestinian areas. Laundered money from HLF to Hamas. Indicted for terror financing.
- Tariq Isa—Country of birth: Palestinian areas. Laundered money from HLF to Hamas. Indicted for terror financing.
- Muhammad Salah—Place of birth: Jerusalem. Hamas financier. Naturalized in 1990s, charged with RICO violations in 2004.

- Soliman Biheiri—Country of birth: Egypt. Major Hamas financier in N Va w/ the SAAR Network. Indicted for making false statements on his naturalization application in 2000; pleaded guilty to passport fraud.
- Mukhtar Al-Bakri—Country of birth: Yemen. Lackawanna Group attended Afghan training camp. Charged with material support to Al Qaeda in 2002. Currently serving a 10-year prison sentence.

Plot to Bomb New York Landmarks

- El Sayyid Nosair—Country of birth: Egypt. Entered in 1981 on tourist visa, then married an American in 1982 and became a U.S. citizen in 1989. Involved in extremist movements in Egypt in the 1970s before coming to America. Convicted of federal charges in connection with the assassination of Rabbi Meir Kahane in 1990. Also convicted as conspirator in plot to bomb NY landmarks. El Sayyid Nosair married a U.S. citizen in 1981 and was naturalized in 1989 despite the fact that the FBI was aware that he had conducted weapons training for Islamic Jihadists.

African Embassy Bombings

- Ali Mohammed—Country of birth: Egypt. Apparently placed on the watch list as a suspected terrorist in 1984 but was still given a visa in 1985, perhaps with CIA assistance, because he helped train and recruit anti-Soviet forces in Afghanistan. The list was not automated then, and his common name may account for his being issued a visa. Received permanent residency after marrying an American in 1986, served in the U.S. Army for three years, and became a U.S. citizen. Helped to recruit members for bin Laden's organization while in the United States. Helped train al Qaeda members in Afghanistan and Sudan and is thought to have written large sections of the organization's handbook on how to operate in the West and plan attacks. Pleaded guilty to embassy bombing.
- Khalid Abu al Dahab—Country of birth: Egypt. Came in on a student visa in 1986 to study medicine. Lived in California and tried to quickly marry an American in order to obtain permanent residency. His first marriage lasted only one month, and his second was also short-lived. A court investigator concluded that the second marriage was "primarily based on convenience." Finally gained permanent residency by his third marriage and later became a naturalized U.S. citizen. Thought to have participated in a half-dozen terrorist attacks, including the embassy bombings in Africa. Currently in prison in Egypt.
- Wadih el Hage—Country of birth: Lebanon. Entered the United States as a student in 1978 to study at the University of Southwestern Louisiana. He acquired legal permanent residence after marrying an American in 1986. When the Soviets invaded Afghanistan, he went to Pakistan to assist anti-Soviet forces. Gained permanent residence by marriage to an American in 1985. He naturalized in 1989. A personal secretary to bin Laden, he raised money and ran businesses in the U.S. and Africa that provided funds for the organization. Helped bin Laden purchase an airplane to transport antiaircraft missiles. Found guilty in

June 2001 and sentenced to life in prison for his role in the embassy bombings and other terrorist activity.

- Essam al Ridi—Country of birth: Egypt. Al Ridi said he first met el Hage in 1982, at a Muslim Youth Association convention in Louisiana, where el Hage was a student. At the direction of el Hage, he arranged the purchase of an airplane in the U.S. and flew it to the Sudan in 1993, turning it over to bin Laden. Admitted in court that he knew the plane would be used by bin Laden to transport Stinger missiles from Afghanistan to the Sudan. Also helped obtain other equipment for al Qaeda, such as high-powered rifles. Testified against el Hage at the African embassy bombing trial and has not been charged with any crime to date.

1993 World Trade Center Bombing

- Nidal Abderrahman Ayyad—Country of birth: Egypt. A Rutgers-educated chemical engineer who provided the explosives expertise for the attack and is currently serving a 240-year prison sentence. Ayyad was naturalized in 1991.

Naturalized U.S. Citizens Indicted for Terrorist Activities

- Mohamad Shnewer—Country of birth: Jordan. The only U.S. citizen among the "Fort Dix Six," indicted on May 7, 2007, for plotting to kill U.S. soldiers at Fort Dix Army Base in New Jersey.
- Rahmat Abdhir—Country of birth: Malaysia. Indicted on August 1, 2007, for providing material support, including equipment used to construct and detonate improvised explosive devices (IEDs), to his brother who is believed to have been involved in a series of terrorist bombings in the Philippines in 2006.

Lawful Permanent Residents Involved in Terrorist Activities

1993 World Trade Center Bombing

- Mahmud Abouhalima—Country of birth: Egypt. Entered on a tourist visa in 1985 and failed to leave when it expired in spring of 1986. A New York City cab driver involved in both the World Trade Center and landmarks plots, he was granted amnesty under the Seasonal Agricultural Workers (SAW) program included in the 1986 Immigration Reform and Control Act after falsely claiming that he picked beans in Florida. He used his newly-acquired green card to travel to Afghanistan for terrorist training. In March 1994, he was sentenced to 240 years in prison with no possibility of parole.

Plot to Bomb New York Landmarks

- Ibrahim el Gabrowny—Country of birth: Egypt. Not clear how he obtained legal permanent resident status. Passed messages between conspirators and planned to get Nosair, his cousin, out of the country after a jailbreak the group was planning. Obtained fake Nicaraguan passports for use by Nosair and his family.
- Mohammed Saleh—Country of birth: Jordan. Obtained legal permanent residence by marrying an American. Provided money and 255 gallons of fuel from a gas station he owned in Yonkers, NY, to make bombs.
- Amir Abdelg(h)ani—Country of birth: Sudan. Entered in 1983 on apparently a tourist visa. Cousin of F. Abdelgani. Obtained permanent residency by marrying an American. About to be naturalized at the time of arrest. Helped determine targets and picked up fuel.
- Fadil Abdelg(h)ani—Country of birth: Sudan. Came on a tourist visa in 1987 and overstayed, becoming an illegal alien. Obtained legal residence through sham marriage to an American in 1991. Helped mix explosives.
- Tarig Elhassan—Country of birth: Sudan. Obtained legal permanent residence by marrying an American. Helped mix explosives.
- Fares Khallafalla—Country of birth: Sudan. Obtained legal permanent residence by marrying an American. Purchased fertilizer for the bombs.
- Siddig Ibrahim Siddig Ali—Country of birth: Sudan. Obtained legal permanent residence by marrying an American. Considered a ring leader of the plot. Helped select targets and directed production of bombs. Worked as translator for Rahman. Surprised other defendants by pleading guilty to charges and testifying against others. Sentenced in February 1995.
- Matarawy Mohammed Said Saleh—Country of birth: Egypt. Obtained legal permanent residence by marrying an American. Was supposed to supply stolen cars to plotters. A minor player, he testified against others and pleaded guilty to conspiracy. Sentenced to time served, and deported.
- Abdo Mohammed Haggag—Country of birth: Egypt. Obtained legal permanent residence by marrying an American. Took part in plan to assassinate Egyptian President Mubarak on a visit to U.S. Testified against others in conspiracy trial and was allowed to plead guilty to lesser charges. Now in witness protection program.

Statement of

Rosemary Jenks, Senior Fellow,
Center for Immigration Studies, Washington, DC

On

Safeguarding the Integrity of the Naturalization Process

Before the

Immigration and Claims Subcommittee

of the

Committee on the Judiciary

of the

United States House of Representatives

April 30,
1997

Mr. Chairman and Members of the Subcommittee, I am Rosemary Jenks, a Senior Fellow at the Center for Immigration Studies, a non-profit, non-advocacy research institution. Thank you for the opportunity to appear before you to discuss an issue that is central to our national identity, the bond that holds us united as one people: United States citizenship. United States citizenship is the most valuable and the most cherished privilege our nation can bestow upon an individual. It is a privilege that is sought by millions around the world. It carries with it the right to travel freely, to hold certain public offices and to petition for the immigration of family members. Most importantly, however, it carries with it the right, and the responsibility, to take part in shaping and securing the future of this country by voting for elected officials at all levels of government.

The requirements for naturalization are set out in the Immigration and Nationality Act. Among other things, applicants are required to submit an application form, the N-400, a copy of their alien registration card, the "green card," fingerprints, photographs and a fee of $95 to the INS. In general, they must prove that they are at least 18 years of age; that they have resided in the United States as lawful permanent residents for a minimum of five years (unless they marry a U.S. citizen, in which case it is three years); that they are able to read, write, speak and understand English; that they have at least a minimal knowledge of U.S. history and government; that they are of good moral character; and that they do not have a serious criminal record. Upon receiving the N-400 and the accompanying paper work, INS enters the information into an INS database and forwards the fingerprints to the FBI for a criminal record check. As of November 29, 1996, INS policy is to wait for a definitive response from the FBI regarding the criminal record check before scheduling an interview with the applicant. During the interview, INS examiners (or District Adjudications Officers, DAOs) review the information on the N-400 and test the applicant's knowledge of English, history and civics, unless he or she presents a certificate from one of

the non-government testing entities. If all the requirements are met, the application is approved and the applicant is scheduled for a swearing in ceremony. Otherwise, the application is either denied or continued, depending on the nature of the problem.

Citizenship USA

At the start of FY 1994, when Commissioner Meissner took office, some 270,000 N-400 applications were pending (not including any that had been received, but not been entered into the computer). The number of N-400 applications received in FY 1994 (543,353) surpassed FY 1993 receipts (521,866) by only 21,487. At the beginning of FY 1995, however, the backlog of applications had grown to more than 314,000 and INS expected a surge in new applications because of a combination of factors, including the 2.7 million beneficiaries of the 1986 Immigration Reform and Control Act (IRCA) amnesty becoming eligible based on the five-years residence requirement, the passage of Proposition 187 in California in November 1994, and legislative proposals to bar noncitizens from certain means-tested welfare benefits.

To prepare for this expected surge, an INS working group conducted a survey in June 1994 of ways to streamline the naturalization process. Then, in April of 1995, Commissioner Meissner contracted a management consulting firm, PRC, to work with INS staff to overhaul the naturalization process. PRC and the INS staff conducted a four-week review of the process and produced a "radical redesign" of naturalization. The final report, issued in May 1995, is called *Results in 30 Days: Re-Engineering the Naturalization Process.* Among other things, it recommends that INS develop strong partnerships with "Service Providers"— community-based organizations (CBOs) and voluntary agencies (VOLAGS)—which would involve "total sharing of information, joint decision making, and aggressive coloration aimed at best

meeting the needs of the applicant." It recommends the introduction of high-tech, fully automated and integrated systems to facilitate data entry and criminal background checks, in addition to automatically triggering "pre-qualified 'invitations' to immigrants as they become legally eligible for citizenship." It adds that "long-standing interpretations of eligibility laws and regulations will be reviewed to...[focus] upon meeting the demands of today's eligible customers." Finally, it concludes that processing time from submission "to approval will be reduced to 'same day service' for 80% of the applicants."

In June, 1995, Commissioner Meissner submitted a request that the naturalization program be designated as a "Reinvention Lab" under the auspices of Vice President Gore's National Performance Review (NPR). Her request letter and subsequent INS documentation make clear that the PRC report was to provide the basis for the "re-engineering" of the naturalization process.

In the meantime, N-400 applications were on the rise and examiners were being overwhelmed. District Offices lacked the equipment they needed to process N-400s efficiently. Many offices did not have access to the Naturalization Automated Case System (NACS) database, and those that did were experiencing problems with it.

Commissioner Meissner unveiled the "Citizenship USA" (CUSA) initiative on August 31, 1995. The stated objective of CUSA, at least initially, was "to become current" on N-400 applications, meaning that applications would be processed from start to citizenship within six months, by the end of FY 1996. INS designated five "CUSA cities," including Los Angeles, San Francisco, New York, Miami and Chicago, which had the largest numbers of pending cases when the program started. Resources, including personnel, equipment and building space, were to be funneled into these five cities, which would serve as the "Reinvention Labs."

The naturalization initiative was approved as an NPR Reinvention Lab on September 5, 1995. On September 11, Commissioner Meissner forwarded to all field offices the executive summary of the PRC report with a memo explaining its origin and asking for comments. She wrote that "wherever possible, we will use validated re-engineering techniques as outlined in the PRC report to attack the caseload." She added that the report offers "a basic road map for change."

In January 1996, INS implemented a "Direct Mail" initiative in all the CUSA cities except San Francisco. Under this system, N-400s are mailed directly to one of the four INS Service Centers (Vermont Service Center (VSC), Nebraska Service Center (NSC), Texas Service Center (TSC) and California Service Center (CSC)) instead of being submitted to District Offices. The Service Centers are supposed to enter the application data into NACS and pull the fingerprint cards and submit them daily to the FBI.

The implementation of the Direct Mail initiative resulted in almost immediate chaos. Neither Service Center staff nor District Offices fully understood the new procedures. INS offices around the country were being overwhelmed by the increase in N-400 applications—the largest group of aliens amnestied in 1986 had met the five-year residence requirement by December 1995. CUSA offices, in addition to being inundated with backlogged and new cases, were attempting to adopt the new "re-engineered" and streamlined adjudication process, thus compounding the confusion. Non-CUSA offices had been forced to detail some portion of their resources, mainly personnel, to the CUSA offices, so they, too, were falling behind. The number of N-400 applications pending on October 1, 1995 surpassed 800,000, and new applications were being received in record numbers.

On May 1, 1996, INS Associate Commissioner for Examinations Louis Crocetti announced in a memo to all field offices that the "new ideas and innovative

procedures" that were tested at CUSA sites with "remarkable results," were to be expanded Servicewide to all offices. As the nationwide expansion of these "Streamlining Initiatives" was predicated on the "remarkable results" of the pilots in the CUSA cities, a brief look at those results is warranted.

Adjudication Speed—The five CUSA cities managed to accelerate naturalization processing times from more than one year in many cases to six months. This allowed the INS to meet its goal of adjudicating more than one million naturalization applications in FY 1996, but only at great cost to the integrity of the system.

FBI Fingerprint Checks—A February 1994 report from the Office of the Inspector General (OIG) of the Justice Department identified three major problems with the INS policy on fingerprint checks:

1) the INS had no way to verify that the fingerprints submitted by an applicant actually belonged to that applicant since the INS was no longer taking the fingerprints itself;
2) some applications were wrongly approved because the FBI had not completed the criminal history check before the interview was scheduled or because the FBI "hit" had not been properly filed; and
3) INS often did not resubmit new fingerprint cards when the FBI rejected the original set as illegible.

OIG found that 5.4 percent of aliens submitting applications for benefits had an arrest record. The top reasons for arrest were immigration violations/ deportation proceedings (32%), assault/battery/rape (19%), theft/robbery/burglary (18%) and drug possession/distribution (10%). A December 1994 General Accounting Office (GAO) report identified the same problems with the INS fingerprint policy.

The "streamlined" naturalization process did not address any of these problems, but instead, exacerbated them. The INS still had no way to verify that the fin-

gerprints an applicant submitted actually belonged to the applicant. In May 1995, the INS published a proposed rule to require that all applicants have their fingerprints taken by an INS-certified "designated fingerprint service" (DFS). Personnel at these DFSs would be properly trained to take fingerprints and fill out the necessary paperwork, and they would be required to ask for identification showing that the person named on the fingerprint card was the same person being fingerprinted. The final rule, however, was not published until June 1996, and final implementation was delayed from November 1, 1996 to March 1, 1997 to insure that INS had certified an adequate number of DFSs.

Fingerprint cards were supposed to be mailed by the Service Centers to the FBI on a daily basis to insure that the FBI had adequate time to run the criminal history check. In March 1996, however, the FBI did a sampling of receipts from 20 INS offices. Over 60 percent of the fingerprint cards received from Los Angeles had been at the Los Angeles office for more than 30 days before they were submitted. For the New York City office, 90 percent had been at the office for more than 30 days. At the same time the INS was dramatically increasing the workload of the FBI, it was, in practice, cutting the FBI's response time.

The preliminary results of the INS internal review of naturalization applications approved during CUSA, as presented to the Subcommittee by Assistant Attorney General for Administration Stephen Colgate clearly show that the problems were severe. Of the 1,049,872 immigrants granted U.S. citizenship under CUSA:

- 71,557 were found to have FBI criminal records, including INS administrative actions (e.g., deportation proceedings or other immigration violations), and misdemeanor and felony arrests and convictions;
- Of these 71,557, 10,800 had at least one felony arrest, 25,500 had at least one misdemeanor arrest, but no felonies, and 34,700 had only administrative actions initiated against them;

- 113,126 had only name checks because their fingerprint cards were returned to the INS by the FBI because they were illegible;
- 66,398 did not have FBI criminal record checks because their fingerprint cards were never submitted to the FBI by the INS; and
- 2,573 were still being processed by the FBI.

As of late February 1997, 168 of these new citizens had been found to be "presumptively, statutorily ineligible" for naturalization based on their criminal record, and in another 2,800 cases, it could not be determined based on available information whether they were eligible or not.

It is important to note that none of the numbers given above indicates the degree to which applicants for naturalization lied on their applications, thereby committing perjury, which should make them ineligible for naturalization. They also do not indicate the number of applicants who may have submitted someone else's fingerprints to avoid having their criminal record revealed. Finally, for the 180,000 applicants whose fingerprints were illegible or never submitted, the INS has no way to go back and check because it is not legally allowed to require citizens to resubmit their fingerprints. Thus, unless these new citizens volunteer to have their fingerprints taken, we will never know if they were actually eligible or not.

Personnel—Temporary workers comprised most of the additional personnel for CUSA. Some 900 temporary adjudicators and clerical workers were hired by INS to accomplish the goal of naturalizing over a million people in FY 1996. As of June 1996, the Inspector General was investigating the training standards for these temporary workers, along with those workers who were detailed from other agencies or offices. In August 1996, the INS conducted an evaluation of the CUSA training program and found two major deficiencies in the program:

1) personnel were poorly trained in doing the computer checks that, among

other things, tell whether an applicant is in deportation proceedings or has had other administration actions taken against him or her; and

2) training in the procedures to deny an application were inadequate at best.

These results point to a larger problem that has since been confirmed by INS employees and by the recent KPMG Peat Marwick review of the implementation of the November 29, 1996 naturalization policy changes. A training program that teaches personnel good customer relations, but not how to do computer checks or deny applications sends an implicit message that it is more important to keep the applicant happy and approve the application than it is to maintain the integrity of the process and demand compliance with the regulations. This is precisely the message that many INS adjudicators received, not only from their training, but also from their supervisors. A number of INS employees testified, under oath, last fall that adjudicators feel pressured by their supervisors to "approve, approve, approve;" that good moral character standards are being ignored; that representatives of Community Based Organizations (CBOs) complain to supervisors about adjudicators who continue or deny applications, and that sometimes those adjudicators are removed from their duties; that adjudicators who go on outreach interviews have to provide copies of their tally sheets (showing approvals, denials and continueds) to the CBO representatives; that adjudicators have been told by their supervisors that they are not IRS agents and so shouldn't concern themselves with possible tax fraud, even though it is inconsistent with the good moral character requirement.

Volunteer workers were also utilized by many INS offices. These volunteers included members of CBOs, family members of INS employees, and, in at least one case, legal permanent residents. These volunteers performed clerical duties, including filing, mailed naturalization certificates, and collected Alien Registration

Cards and distributed naturalization certificates at citizenship ceremonies, among other things. According to INS employees, this practice continued even after INS Headquarters Counsel notified Regional Directors that it is a violation of Federal law for a government agency to use volunteers to perform duties that are normally performed by agency personnel, as it constitutes an unauthorized augmentation of the agency appropriation.

Testing Fraud

In addition to internal INS problems with the naturalization process, there is well-documented evidence of widespread fraud in the testing of naturalization applicants by outside (i.e., non-government) testing entities (OTEs). In 1991, the INS established criteria under which OTEs, including for-profit businesses, could be authorized to administer standardized tests to determine a naturalization applicant's ability to read and write in English, along with his or her knowledge of history and civics. The INS criteria do not require that administrators of the tests be U.S. citizens or have criminal history checks in order to be approved.

The tests are comprised mainly of multiple choice questions, but applicants also have to write two simple sentences that are dictated to them. Five OTEs currently are authorized to administer these tests:

- Educational Testing Service (ETS);
- Comprehensive Adult Student Assessment System (CASAS);
- Southeast College;
- Marich Associates; and
- American College Testing (ACT).

(There was a sixth OTE, Naturalization Assistance Services (NAS), until earlier this year when its authorization was terminated after repeated instances of fraud.) These OTEs in turn may license community based organizations (CBOs) and other

affiliates to administer the tests on their behalf. However, neither INS, nor the individual OTEs, are able to monitor all the affiliates to ensure that requirements relating to the security of the tests or the integrity of the testing are met.

Reports of testing fraud at affiliates of the OTEs, which first surfaced in 1992, began to increase dramatically in late 1994. INS examiners came across increasing numbers of naturalization applicants who, despite having an OTE test certificate, were unable to communicate in or understand English. Some affiliates were charging as much as $850 to prepare and test immigrants. Examples of documented fraud during the administration of the tests include test proctors pointing to the correct answers on the answer sheet, tests being given in the applicants' native language instead of English, and the sentences being written on a blackboard so applicants simply have to copy them. Some affiliates guaranteed that, as long as applicants could sign their names in English, they would pass the test. Affiliates were using print media—often ethnic newspapers—radio and television ads to advertise their services. Some ads included false promises and/or blatant lies, but there were no regulations governing the ads' contents.

In April 1996, INS Headquarters sent instructions to the field offices on procedures to follow to report and initiate investigations of complaints of testing fraud. In May 1996, after it was notified of an investigation into testing fraud by the television show "20/20," INS Headquarters sent a memo to field offices with guidelines on conducting unannounced on-site inspections of testing sites. The guidelines required each District Office to visit one site per quarter.

During the past couple of months, I have been contacted by the directors of two separate testing affiliates operating in separate regions of the country. Both told me that fraud in the outside testing entities continues, with unauthorized groups administering tests and issuing counterfeit certificates, applicants cheating

on the tests, tests being given in the applicants' native language, and in one case, the director of an authorized affiliate simply filling out the answer forms for the applicants. They also told me about designated fingerprint services (DFSs) selling clean fingerprints to applicants, accepting inadequate identification, such as letters from family members or friends attesting to the person's identity, and accepting blatantly false identification.

Like the criteria for OTEs, those for DFSs do not require that the person taking the fingerprints be a U.S. citizen or have a criminal record check done. While many of the DFSs are police departments, others raise questions about the judgement of the INS in the selection process. Some of the more interesting DFSs are:

- Harbor Liquors in Baltimore;
- Biscayne Haircutters in Miami; and
- Express Courier Service in Passaic, NJ.

Hermandad Mexicana Nacional in Ontario, CA and Pookies Post and Parcel in Pasadena, CA had applications pending at the end of February 1997.

INS Responds

The National Security, International Affairs and Criminal Justice Subcommittee of the House Government Reform and Oversight Committee held the first hearing on the Citizenship USA program on September 24, 1996, after it had subpoenaed and sorted through thousands of pages of INS documents, memos and e-mails detailing most of the problems described herein. Despite the evidence, CUSA Project Director David Rosenberg testified at that hearing that, as a result of CUSA, the INS had "successfully reduced processing times for citizenship applications nationwide to traditional levels while maintaining the integrity of the citizenship process. We have initiated major improvements to naturalization procedures and operations." The Senate Immigration Subcommittee held a hearing on naturalization practices on October 9,

1996, in which the former Executive Associate Commissioner for Programs, Alexander Aleinikoff, testified that, as a result of CUSA, the INS had "reduced processing times for citizenship applications nationwide to traditional levels while maintaining the integrity of the citizenship process, and [had] initiated major improvements to naturalization procedures and operations."

On October 18, 1996, in an official INS response to Senator Alan Simpson regarding testimony I presented at the October 9 Senate hearing, Commissioner Meissner wrote that, under CUSA, the INS had "made numerous improvements to the [naturalization] process, and [had] addressed this workload with efficiency and integrity."

Sometime between late October and late November 1996, INS officials realized that the problems with the naturalization process could no longer be ignored. On November 29, 1996, Commissioner Meissner sent a memo to the field offices detailing new "Naturalization Quality Procedures." The memo outlined seven "key enhancements" to the naturalization process, including:

1) standardization of work process;
2) fingerprint check integrity;
3) enhanced supervisory review;
4) instructions regarding the use of temporary files;
5) implementation of a quality assurance program;
6) guidance regarding revocation procedures; and
7) requirements for increased monitoring of OTEs.

The new procedures were effective upon receipt.

In a joint hearing before this Subcommittee and the National Security Subcommittee on March 5, 1997, Commissioner Meissner testified that the new procedures

"have eliminated the possibility of naturalization cases being completed without verification of an FBI fingerprint check." She concluded by saying, "It is very important that Congress and the American people understand the validity of these corrections we have made to the naturalization process....We made mistakes in Citizenship USA...We have corrected those mistakes and have put into place a series of new measures to prevent them in the future."

The recently-released KPMG Peat Marwick review of the implementation of these new measures brings into question the ability, and the willingness, of INS management to seriously address the problems with the naturalization procedures. The fact that three of the 23 offices surveyed did not even have the correct copy of the new procedures clearly points to a severe lack of communication between INS Headquarters and field offices. It is interesting to note here that, once a draft of the review was given to the INS, Commissioner Meissner called all the District Directors to Washington for a briefing and sent 200 naturalization personnel to a training course. Perhaps if those actions had been taken when the new policies were first implemented, the review would have found better results. Such actions also may have helped to communicate the sense of urgency the reviewers found lacking at the field level.

Despite the fact that field offices had been issued guidelines on monitoring outside testing entities in May 1996, as well as the "enhanced" monitoring procedures in the November 29 memo, the KPMG Peat Marwick review team was "frequently informed that INS Headquarters [not the field offices] was responsible for monitoring all outside testing agencies."

That three of the service processing centers, along with three field offices, had the wrong FBI address is patently absurd. Most worrisome is the report's conclu-

sion that "the INS continues to have the most significant control problems with the fingerprint process and the identification of statutorily-barred applicants."

Recommendations for Improvement

Congress and the American people were assured repeatedly by the INS over the last year that there were no major problems with the naturalization process under Citizenship USA. Then, we were assured that, if there were any problems, they had been fixed. Now, we know that these assurances were unfounded. The Justice Department is correct that the process needs a major overhaul from top to bottom. However, we must be somewhat cautious in our expectations of the re-engineering of the process by Coopers and Lybrand; after all, previous re-engineering efforts got us where we are today.

It is important to recognize that many of the problems with the naturalization process have existed for many years. It is equally important to recognize that any attempt to speed up the adjudication of applications without first addressing the underlying problems will only exacerbate them, as happened under the Citizenship USA program.

The INS was well aware at least as far back as 1993 that naturalization applications would rise dramatically in 1995 simply because the 2.7 million amnestied aliens would become eligible. And yet, all of a sudden in 1995, there was a frantic rush to hire new employees and accelerate an outdated system that had already reached its limits. Had the millions of dollars now being spent on re-engineering, reviewing and auditing the naturalization process been invested in computer equipment, electronic fingerprint scanners and personnel training, we likely would not be having this discussion.

The Coopers and Lybrand review of the process is expected to take 18 months to two years to complete. The naturalization process cannot wait that long. The INS expects 1.8 million new applications this year, and they must not be adjudicated under the conditions described in the KPMG Peat Marwick review. There are a number of areas that need immediate improvement:

- In order to process these applications, the INS desperately needs an updated and integrated computer system, just as any business needs to process orders. Scanners, which now have accuracy rates of 90 percent or better, could be used to minimize the data entry workload. Eventually, the INS needs to integrate some of its numerous data bases to facilitate status checks and ensure that immigrants being deported by one branch of the INS are not naturalized by another. Paper files must become a thing of the past. One of the biggest problems throughout the INS is its inability to locate paper files on a timely basis.
- The INS also needs to prioritize its electronic fingerprint pilot program. Police departments around the country use electronic fingerprint scanners to identify criminals in a matter of minutes, rather than waiting anywhere from two to six months as the INS does. Electronic scanners could reduce naturalization processing time to a matter of days.
- Most importantly, the INS needs to train its personnel adequately. Each adjudicator must know how to use the computer system to check an applicant's status, to ensure the applicant is not in deportation proceedings, and to update the applicant's file. Adjudicators must be trained not only in customer relations, but also in the procedures used to deny an application. They should have a clear understanding of what they should be looking for during the interview. Standardized interview guidelines would be helpful. Finally, every adjudicator must understand that the integrity of the naturalization process is always more important than expediency. INS

Headquarters should strongly discourage supervisors from rating employees based on the number of applications they process, instead of the way in which they process the applications. A short delay in the process is a much smaller problem for the INS than the granting of citizenship to a child molester.

- Crimes that constitute a lack of good moral character, including perjury, should be standardized, rather than being left to the discretion of individual adjudicators.
- Both Congress and the INS must recognize that the INS will always have less control over the integrity of those parts of the process that it farms out to other organizations, such as testing and fingerprinting. If the INS is going to continue to use OTEs for language, history and civics testing, it must require:
    - 1) that all administrators of the tests be U.S. citizens and undergo criminal background checks;
    - 2) that the OTEs register all testers and insist that they wear photo identification badges while administering tests; and
    - 3) proof from the OTEs that every affiliate has passed at least one undercover inspection each year.

If the INS is going to continue to use DFSs to take fingerprints, it should certify only law enforcement agencies. INS adjudicators can use the interview to check an applicants knowledge of English, but there is no secondary check if an applicant submits someone else's fingerprints to avoid having a criminal record uncovered. This is too integral a part of the naturalization process to leave it to those who may have a vested interest, financial or otherwise, in allowing fraud.

I will be happy to answer any questions you may have.

24/2003 11:41 FAX 002/020

United States Department of Justice
Immigration and Naturalization Service
Office of Internal Audit

Special Review

Review of the Circumstances Surrounding the Naturalization of an Alien Known to be an Associate of a Terrorist Organization

Report Number 03-02

Executive Summary
Circumstances Surrounding the Naturalization of an Alien Known to be an Associate of a Terrorist Organization

Background

A routine alien status query performed by an INS Agent assigned to the New York City Joint Terrorism Task Force (JTTF) on November 5, 2002, disclosed the alien -- known to be associated with a terrorist organization -- was recently naturalized by INS' Newark District Office. This occurred despite significant information available in various Federal lookout systems that, if properly accessed by INS staff, would have provided INS the basis to delay or prevent the naturalization.

Scope

As a result of a request by the INS Commissioner, the Office of Internal Audit initiated a review to ascertain the facts behind the naturalization.

Methodology

The review team conducted structured interviews of various INS personnel in both the Newark and New York Districts. Some sworn statements and affidavits were obtained. INS documents related to the policies and procedures for the Naturalization Program and related memoranda and locally developed guidance were also examined.

Results of Review

The INS naturalization procedures should have detected and prevented the naturalization of an alien having known terrorist affiliations. However, close scrutiny of these procedures disclosed several system deficiencies and weak controls that contributed to the inappropriate naturalization. In addition, we determined that human error, slow development/distribution of INS policy, and poor judgement on the part of INS officials significantly impacted the problem.

Objective Number 1: Ascertain the extent to which available Federal lookout systems were either not accessible or not used by INS officials during the naturalization process.

- Initial name checks performed by the Federal Bureau of Investigation (FBI) failed to disclose the alien's terrorist affiliations.
- A disqualifying violation readily available to the District Adjudication Officer in INS' National Automated Inspector Lookout System (NAILS) was ignored during the adjudication process.
- District operating procedures to conduct pre-adjudication Interagency Border Inspection System (IBIS) checks were insufficient to ensure an accurate result.

Objective Number 2: Identify any procedural weaknesses or control deficiencies in the naturalization process that may have contributed to the naturalization of an ineligible alien subject to this review.

- Unresolved FBI name checks are routinely overridden by Newark District Adjudication Officers during the naturalization process.

- Routine File Transfer Requests to obtain the alien's A-File were ignored by the INS official who possessed the file and INS' Standard Operating Procedures do little to ensure retrieval.

- Naturalization Quality Procedures related to the resolution of outstanding file transfer response issues are ignored by the New York District records staff.

Objective Number 3: Identify any weaknesses or failures in ancillary INS processes that may have contributed to the improper naturalization of the subject alien.

- INS Members of the New York JTTF failed to provide the Agency with advanced knowledge that would have prevented the naturalization.

- INS Headquarters has no record of a Letterhead Memorandum purportedly forwarded to INS' FBI Liaison Officer in Headquarters advising INS not to Naturalize the Subject Alien.

- INS Agents assigned to the New York JTTF are not fully aware of their reporting responsibilities to their supervisors and the INS National Security Unit.

- Supervisory Officials in the Newark District Office are not sufficiently involved in overseeing activities related to INS' Naturalization Program.

Other Observations:

Although not specifically part of this review's stated objectives, we have reported other observations resulting from our interviews and analysis. We believe these observations are relevant to decisions that might result from this review and are found in the body of the report beginning on page 11.

RECOMMENDATIONS:

Executive Associate Commissioner, Office of Field Operations should:
(1) Take individual corrective actions as deemed appropriate.

(2) Ensure that all INS Agents and Supervisors assigned to work as members of the Joint Terrorism Task Force are trained and made aware of their reporting responsibilities to INS. Training should particularly address INS policy related to the reporting of sensitive and special interest cases to the National Security Unit and other responsible INS officials.

(3) Immediately develop Standard Operating Procedures for the handling of official documents by INS Special Agents who serve as Liaison Officers with FBI Headquarters. Procedures should particularly address the need for INS Special Agents to log-in the receipt and disposition of all documents. The log should include a brief summary of the document, the date received, who it was received from, the date forwarded and the name of the INS official who actually took possession of the document.

(4) Require the sequential numbering of all policy memoranda that is provided by the Office of Field Operations. All policy related memoranda should be included in a summary index and include a statement detailing at least the minimum procedural requirements to help ensure general Service-wide compliance. All memoranda should ultimately be included in appropriate Field Manuals or Administrative Manuals.

(5) Ensure that all INS officers are properly trained in how to respond to Service-wide requests for A-Files. Guidance should include steps to be taken when files are unavailable for review.

particularly those that are classified or are subject to some type of investigation. Consideration can also be given to a file location code that identify classified or otherwise "unavailable" files.

Deputy Executive Associate Commissioner, Immigration Services Division should:

(6) Develop procedures to ensure a definitive response for all name checks sent to the FBI related to naturalization applications. Presumptive assurance should no longer be considered an acceptable policy. New procedures should prohibit the processing of any application that might have an unresolved *indices popular* designation in the CLAIMS 4 System. Procedures should include a management control to prevent the routine override of this process designation.

(7) Initiate steps to ensure that all required FBI name checks are properly conducted to include search detail that is comprehensive enough to disclose an applicant's known terrorist affiliations and criminal history.

(8) Initiate steps to revise the Naturalization Quality Procedures to ensure that manual National Automated Inspection Lookout System (NAILS) checks are routinely performed for all naturalization applications regardless of the type of file being used (A or T-file).

(9) Require the immediate development and issuance of formal Service-wide Standard Operating Procedures for conducting IBIS queries at INS District Offices and Service Centers prior to the approval of any application. At a minimum, procedures should include the availability of the actual file while conducting the query and a search of the file for any aliases or other names of interest that must be run as part of the query process.

(10) Develop a program to provide uniform training to all District and Service Center INS officials who are expected to perform IBIS checks on alien applications for INS benefits. Training procedures should include a mechanism to formally certify attendance and student comprehension of the material presented.

(11) Require all District Offices to review their internal procedures related to the receipt and disposition of Reprint Reports provided by a Service Center in order to facilitate the transfer of delinquent A-Files. Internal procedures should ensure the proper elevation of these reports to the specific attention of the Assistant District Director for Examinations and the District Director.

(12) Institute a policy to require periodic Naturalization Quality Procedures refresher training for adjudicators in the District Offices. This policy should consider the possible re-certification for all Adjudication Officers involved in the naturalization process every two or three years.

(13) Initiate a re-assessment of the Naturalization Program's Quality Assurance process to incorporate quality assurance steps that address the NQP concerns noted in this review related to FBI name checks, IBIS checks, NAILS lookout queries, File Transfer Requests, and Reprint Reports.

(14) This report suggests the high probability that similar naturalizations of ineligible aliens may have occurred in the past. As a result, the Immigration Services Division should evaluate the report's impact on the universe of INS naturalizations that occurred in past years. This evaluation should consider the practicality or potential benefit of having ISD selectively assess the appropriateness of past naturalizations to identify those that may be improper.

Executive Associate Commissioner, Office of Management should:

(15) Provide immediate Service-wide guidance to District based records staff to clarify their responsibilities in the INS file transfer process. This guidance should address roles and responsibilities when responses are not received to file transfer requests.

Special Review
Circumstances Surrounding the Naturalization of an Alien Known to be an Associate of a Terrorist Organization

Background

A routine alien status query performed by an INS Agent assigned to the New York City Joint Terrorism Task Force on November 5, 2002, disclosed the alien -- known to be associated with a terrorist organization -- was recently naturalized by INS' Newark District Office. The naturalization --adjudicated by the Newark District Office on a Temporary file[1] -- occurred despite significant information available in various Federal lookout systems that, if properly accessed by INS personnel, would have provided INS the basis to delay or prevent the naturalization. Existing management controls built into the naturalization process were not sufficient to prevent the naturalization of the subject alien.

Scope

As a result of a request by the INS Commissioner, the Office of Internal Audit immediately initiated a review to ascertain the facts behind the naturalization of the above referenced alien. The review objectives were:

- Ascertain the extent to which available Federal lookout systems were either not accessible or not used by INS officials during the naturalization process.
- Identify procedural weaknesses or control deficiencies in the naturalization process that may have contributed to the naturalization of the alien.
- Identify any weaknesses or failures in ancillary INS processes that may have contributed to the improper naturalization of the subject alien.

Methodology

The naturalization occurred in INS' Newark District Office and was also impacted by staff in the New York District Office. The review team conducted structured interviews of various INS personnel in both Districts. The interviews involved a

[1] The application was initially received by the Vermont Service Center on December 10, 2001. The requisite number file transfer requests for the A-file were appropriately made as required by Naturalization Quality Procedures before the application was sent to the Newark District Office for adjudication.

cross-section of INS staff including District Directors, Deputy District Directors, Assistant District Directors for Examinations and Investigations, Supervisors, Investigators, District Adjudication Officers and District Office Records staff. Some interviews resulted in the need to obtain sworn statements and affidavits. The review team also examined various INS documents related to the policies and procedures for the Naturalization Program and various related memoranda and locally developed guidance. Discussions and interviews also included certain non-INS officials who were considered essential to the final resolution of the review.

Results of Review

The INS naturalization procedures should have detected and prevented the naturalization of an alien having known terrorist affiliations. However, close scrutiny of these procedures disclosed several system deficiencies and weak controls that contributed to the inappropriate naturalization. In addition, we determined that human error, slow development/distribution of INS policy, and poor judgement on the part of INS officials significantly impacted the problem.

Objective Number 1: ***Ascertain the extent to which available Federal lookout systems were either not accessible or not used by INS officials during the naturalization process.***

Initial name checks performed by the Federal Bureau of Investigation (FBI) failed to disclose the alien's terrorist affiliations

Current INS procedures require a FBI name check for all aliens who apply to become naturalized citizens of the United States. This procedure is conducted immediately following the receipt of the naturalization application as part of the pre-adjudication clerical phase of the naturalization process. The specific FBI check for the subject alien yielded an electronic response that indicated a possible lookout match needing further research (annotated in the INS case tracking system as *Indices Popular*). At this point, a built in administrative hold is automatically activated in INS' CLAIMS 4 Case Status System to prevent adjudication. Once the FBI G-325 name check search is completed, a response is forwarded to INS *only* if the extended search confirms a lookout match to the subject alien. Should a match not materialize, nothing will be forth coming from the FBI and, after 60 days, INS will presume that no match was made and clear the application for adjudicative processing. Lacking a definitive response from the FBI, INS has adopted a presumptive clearance policy.

Since the subject alien had several terrorist related warnings posted in Federal lookout systems and is the subject of on-going interest by the Joint Terrorism Task Force and other law enforcement entities, it is highly unlikely the original FBI name check would have yielded a negative response. It was significant to

ascertain whether the FBI actually sent a confirmation that was perhaps lost, ignored, miss-filed or for whatever reason withheld from INS. We were unable to obtain this information because the FBI does not maintain a tracking system that could confirm the result of the original search.

On November 12, 2002, a new name check was initiated to confirm what should have been a positive match result. The FBI result yielded another negative response. Further analysis disclosed the FBI protocol used to conduct INS name checks was not detailed enough to disclose the alien's terrorist associations. It was further disclosed that this protocol has been utilized for over 17 years for all FBI conducted name checks requested by INS. A third check performed by the FBI using an expanded search format yielded a positive match result. Based on the type of name check conducted by the FBI, this process had no reliable expectation to disclose any known terrorist association for the subject alien.

A disqualifying violation readily available to the District Adjudication Officer in INS' National Automated Inspector Lookout System (NAILS) was ignored during the adjudication process.

The subject alien was interviewed and approved for naturalization on the basis of information found in a Temporary (T) File. Several requests for the applicant's A-File were not successful. INS Naturalization Quality Procedures (NQP) detail specific conditions that must be met before any naturalization application may be adjudicated on a T-File. We determined that one critical condition was omitted from the process that in itself would have prevented the naturalization of the subject alien. Adjudicators processing T-File applications must always determine that no disqualifying information exists in INS databases that might be reflected in the Central Index System (CIS). Specifically, NQP states: " An N-400 must not be adjudicated until the violation(s) and/or deportation issue(s) have been resolved." A NAILS violation was annotated and included as part of a Central Index System (CIS) screen print that was reviewed by the adjudicator. However, the violation was ignored during adjudication. We determined that Newark District Naturalization Adjudication Officers were not aware of the NQP requirement to resolve noted violations. When discussed with the Supervisory District Adjudication Officer, he stated it was his understanding the NAILS check was the responsibility of the Vermont Service Center.

District operating procedures to conduct pre-adjudication Interagency Border Inspection System (IBIS) checks were insufficient to ensure an accurate result.

In a memorandum dated July 2, 2002, the Office of Field Operations mandated that lookout checks be made in the Interagency Border Inspection System (IBIS) for all pending INS applications at least 35 days before an application is

adjudicated and approved. The Newark District conducted the required IBIS check for the subject alien: However, despite a detailed lookout record, the check did not yield a positive "match" result. Analysis of the Newark District's procedures used to conduct the IBIS query disclosed several deficiencies that ultimately yielded an inaccurate IBIS result.

At the time the IBIS query was conducted, INS had not developed Standard Operating Procedures to ensure Service-wide accuracy and consistency. General INS guidance required that IBIS queries be made but left implementation up to individual District Offices. The Newark District uses a same day naturalization process[2]. To facilitate this same-day policy, the Newark District conducted the required IBIS checks from a list of people scheduled to be interviewed rather than using the original alien file. The computer generated list of names, manually annotated with the applicant's date-of-birth, was provided to a District Adjudication Officer who conducted the IBIS check [3]approximately two or three weeks before the Vermont Service Center actually sends the file to the District for the alien's scheduled interview. The District's procedures contained several material weaknesses that increased the risk that checks would yield inaccurate results.

- The District's process does not make the applicant's file available to the person conducting the actual IBIS check. This methodology eliminates the ability to query known aliases and other names of interest in the file.

- The use of a computer generated interview list with manually annotated dates of birth ensures that only one name can be queried in IBIS. In addition, non-validated manually annotated dates of birth increase the risk that an error might occur during the lookout check. If only one digit is incorrectly annotated on the list, the resulting IBIS check would be inaccurate.

- The methodology used does not provide assurance to the adjudication officers conducting the alien interviews that IBIS checks were performed within the 35-day time frame. In addition, other than Adjudication Officer annotations to the interview list, there was no way to validate the IBIS check was made or that it was properly conducted.

[2] The Newark District has initiated a naturalization process where the N-400 application is reviewed, the alien is interviewed, the application is approved and the alien attends a naturalization ceremony to be sworn in as a United States Citizen all on the same day

[3] The system query conducted -- known as an SQ11 IBIS query -- was required by INS Headquarters guidance. This query is based on an exact name match. If any letter is misspelled or if any digit related to the date-of-birth is incorrect, the system check will automatically result in a negative response. This search does not look for sound alike or close name matches for possible consideration by the IBIS reviewer.

- The time limits imposed by the Newark District's same day naturalization process made it unlikely that any adjudicator would have initiated a further review to scan the actual file for any additional names of interest that might have warranted an additional IBIS check. In this case, had the adjudicator looked closely at the file, the officer might have noticed several aliases or that the alien's name experienced some minor changes throughout the INS history reflected in the file.

The Newark District's internal IBIS procedures were insufficient to ensure that alien IBIS checks would yield accurate results.

Objective Number 2: *Identify any procedural weaknesses or control deficiencies in the naturalization process that may have contributed to the naturalization of an ineligible alien subject to this review.*

Unresolved FBI name checks are routinely overridden by Newark District Adjudication Officers during the naturalization process.

Based on the FBI's name check protocol, approximately 20 percent of all naturalization applications are initially designated *Indices Popular*. Historically, very few of these initial designations prove to be a positive system match. Since a definitive response only results from a positive match, District Adjudicators assume presumptive clearance once the applicant appears for an interview. As a result, it is now common practice in the Newark District to ignore the *Indices Popular* designation and automatically remove built in system safeguards. Adjudicators are instructed by their Supervisory Adjudication Officer to access a dropdown menu to override the system safeguard by selecting a status that indicates the original *Indices Popular* did not relate to the subject applicant. Adjudicators make no effort to validate or justify this determination. Unless the *Indices Popular* designation is overridden, the adjudicator would not be able to proceed with an interview or adjudicate the application. Adjudicators routinely ignore the possibility the file might contain a positive FBI result or that the FBI check was not yet completed. The time between the request for FBI name check and the time that lapses before an A-File is actually received by the Vermont Service Center usually exceeds the FBI's 60 day response period. Current procedures in the Newark District do not ask adjudicators to confirm that this 60-day period has lapsed so that they might at least have a basis to correctly assume a presumptive negative match on the alien to justify the system override.

Adjudication Officers in the Newark District stated they encounter *Indices Popular* designations frequently. They indicate that if the file was forwarded to them, they assume no lookout related impediments exist that would prevent adjudication. In addition, adjudicators pointed out that INS' current policy to conduct IBIS checks prior to any applicant interview further mitigates any risk that might be associated

with the District's routine policy to override all *Indices Popular* designations in the CLAIMS 4 system. Adjudicators base this judgement on the fact that properly conducted IBIS checks essentially query a comprehensive database that accesses the same data used in the FBI name check search. In the Newark District, the IBIS check would have been completed before the alien's file was received by the District and or provided to adjudicator for interview. However, as discussed earlier in this report, Newark District IBIS checks were systemically deficient yielding a high probability the result could be inaccurate. The assumptions made by the adjudicator related to lookout assurances were not valid.

Routine File Transfer Requests to obtain the alien's A-File were ignored by the INS official who possessed the file and INS' Standard Operating Procedures do little to ensure retrieval.

Upon receipt of naturalization applications INS Service Centers begin an A-File retrieval process to marry the applicant's original A-File (case history file) with the application prior to adjudication. The retrieval is part of an electronic process that identifies a file's current location within INS and initiates several automated attempts to retrieve the file through the Records staff at the INS District where the file is located. In this case, seven automated requests beginning on December 19, 2001, were documented for the subject alien's A-File. The subject file was requested by the Vermont Service Center and was determined to be in the New York District Office. The A-File was never forwarded to the Vermont Service Center. As a result, and in accordance with NQP procedures, a Temporary-File was created and forwarded with the N-400 naturalization application to the Newark District Office for adjudication

Our review established the file retrieval process correctly identified the holder of the file. However, since the INS' CLAIMS4 naturalization case tracking system only records file transfer requests, we were unable to review any actions that might have resulted in response to these requests. It is a fact, however, the file was never sent to the Newark District Office prior to the adjudication of the application.

The actual holder of the file, was an INS Agent assigned to the New York Joint Terrorism Task Force (JTTF). When interviewed the agent could only recall receiving two of the seven requests. The Agent cited unfamiliarity with the retrieval process and a Service-wide Inventory file freeze as the main reasons the A-file was not forwarded.

New York District Records staff stated unless there is a definitive response[4] to the request, their responsibility ends with the delivery of file request to identified file holders in the District. The records supervisors stated the District does not have the responsibility, time or resources to actively pursue the retrieval of any outstanding file requests. Unless a definitive response is received from the holder of the file, the New York District Records Office believes it has no other responsibility in the process. When the issue was discussed with INS Headquarters Office of Records, we were referred to the Records Operations Handbook which states that within 3 days of the request, either the file should be sent or a reason why it was not should be annotated in the CIS system. Exact follow-up procedures to locate or retrieve files are left up to the discretion of individual Districts. There is currently no Service-wide standard or policy statement to address this issue.

Naturalization Quality Procedures related to the resolution of outstanding file transfer response issues are ignored by the New York District records staff.

In accordance with NQP procedures, INS service centers are directed to take specific action if an automated file transfer request results in a response code "R"[5], as was the case with the subject alien's A-file. In such case, after 60 days, the service center is supposed to forward a File Transfer Request Reprint Report to the ADD in charge of records at the responsible file control office with the intent to facilitate file retrieval -- in this case, the New York District Office. Lacking a definitive response to this report, a similar 90-day report should be sent to both the responsible District Director and the Regional Director. New York District officials and staff indicated that it was their belief that these Reprint Reports are no longer required by the most recently revised NQP procedures. District officials stated that they have not seen these reports in quite some time.

Discussions with officials at the Vermont Service Center revealed that these reports are still sent to the Districts as required by NQP. They are sent to predetermined individuals via FAX at each District office. No definitive response to Reprint Reports are required by the Service Center. The New York District Records Office was contacted and confirmed receipt of these reports. However, they were forwarded to the District's records contractors for resolution and essentially placed back into the cue for normal resolution. The Reprint Reports

[4] Should the Records staff actually receive a response to a File Transfer Request (FTR), the staff will mail the file (if it is provided) to the requestor. Any response to the FTR will require Records staff to update the file's status by annotating the File Locator Code in the INS Central Index System.

[5] The CIS designation "R" means the file was initially "Requested". If the "R" remains unchanged it is assumed that no search was actually conducted for the file or that no response was provided as a result of the File Transfer Request.

were not provided to the Assistant District Director for Examinations or the District Director. The New York District's current handling of these reports defeats their intended purpose -- to elevate issues related to delinquent file transfer requests to a high enough authority in the District to ensure timely compliance with delinquent file transfer request.

This procedural breakdown in the Naturalization Quality Process contributed, at least in part, to the inappropriate naturalization of the subject alien.

***Objective Number 3:** Identify any weaknesses or failures in ancillary INS processes that may have contributed to the improper naturalization of the subject alien.*

INS Members of the New York Joint Terrorism Task Force failed to provide the Agency with advanced knowledge that would have prevented the naturalization.

INS had an Agent on the New York JTTF who had information the subject alien was under investigation by the JTTF. In addition, the Agent was aware the alien had filed an application to naturalize several months before the naturalization had been approved. The Agent never reported any of this information to a JTTF INS supervisor or made any effort to contact any INS officials involved in the naturalization process. INS procedures found in Office of Field Operations Memorandum, *Policy Guidance for Handling of Special Interest Cases*, dated October 25, 1999, detail an Agent's responsibility to report this type information to INS. When questioned under oath[6], the INS Agent -- in a third interview -- confirmed that she was aware of the pending naturalization but stated she had no responsibility to report it since it was not her actual case[7]. In addition, the INS Agent stated she considered the information to be privileged "Intelligence" data that was not normally released. In her opinion, the information could not be used as the basis to stop the naturalization. She felt it was up to the FBI to determine the necessity to share the information with INS officials. The INS Agent also stated her belief that INS policy guidance dated October 25, 1999, only related to special interest cases that were specifically designated as such by the Attorney General. Since the Attorney General never designated the subject alien a special interest case, the Agent believed the referenced INS guidance did not relate to the alien in question.

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[6] The INS JTTF Agent's third interview resulted in a sworn statement that is included in its entirety as Attachment 1 of the report.

[7] The referenced case belonged to a non-INS Agent assigned to the New York City JTTF. This JTTF Agent also provided an affidavit that details the extent to which the INS JTTF Agent was aware of the subject alien's pending naturalization. This affidavit is provided as Attachment 2 of the report.

The agent's immediate supervisor stated that this information should have been reported to INS[8]. The supervisor also stated that he had made it very clear to all INS JTTF Agents in New York that sensitive information must always be passed directly to him. Had this information been shared with INS in a timely fashion, the naturalization would not have occurred and the entire situation averted.

INS Headquarters has no record of a Letterhead Memorandum purportadly forwarded to INS' FBI Liaison Officer In Headquarters advising INS not to Naturalize the Subject Alien.

A member of the New York Joint Terrorism Task Force prepared a Letterhead Memorandum (LHM)[9] dated June 20, 2002, to the Federal Bureau of Investigation with the intention the LHM would be provided to INS Headquarters in Washington D.C. The LHM contained a statement specifically asking that INS not allow the subject alien to naturalize. There was evidence the LHM was forwarded to INS on August 8, 2002, through the INS Agent assigned as the Liaison Officer to FBI Headquarters. However, INS has no record that it actually received the LHM. The INS Agent who would have received this LHM has since retired. He was interviewed and stated he had no recollection of having received the document. Further review concluded there is no reliable way to confirm receipt of the LHM. The Office of Field Operations has not established any formal procedures that require INS Liaison Agents to log-in the receipt of documents provided by the FBI. INS Liaison Agents are expected to rely on their experience and to exercise professional judgement regarding disposition of these documents. If the FBI's notation the LHM was delivered to INS is correct, the original document should be somewhere in INS. The absence of formal log-in procedures places at risk the receipt of all information provided by the FBI to INS Headquarters Liaison Agents.

INS Agents assigned to the New York Joint Terrorism Task Force are not fully aware of their reporting responsibilities to their supervisors and the INS National Security Unit.

When conducting interviews with the New York District JTTF Supervisor and the JTTF Special Agent it became apparent there was confusion regarding INS' JTTF reporting requirements. Officials with the INS National Security Unit stated the Office of Field Operations Memorandum, *Policy Guidance for Handling of*

[8] A transcript of the INS JTTF Supervisor's sworn interview is included in its entirety as Attachment 3 to the report.

[9] The letterhead Memorandum is a common reporting instrument used by FBI Agents to formally report the annual status of each open investigation. The LHM is also used by Agents to report special developments or other items of case-related interest.

Special Interest Cases, dated October 25, 1999[10], is considered the basic operational handbook for INS Agents assigned to the JTTF. This policy memorandum details the general expectations and responsibilities of INS Special Agents who must report on or oversee sensitive or other special interest cases. The guidance is disseminated regularly at annual INS JTTF Conferences and provided on a Compact Disk to all JTTF Agents. The National Security Unit believes this policy guidance should be very familiar to and well understood by all INS JTTF Agents. It is their belief that had the JTTF Special Agent complied with the guidance, the subject alien's naturalization most likely would not have occurred.

The INS JTTF Special Agent involved in this review seemed to express some general knowledge of the document but felt it only applied to cases that were designated "Special Interest" by the Attorney General. The Agent can remember only one such designation in her six years on the JTTF. She said she was not aware of any INS policy related to her JTTF reporting requirements other than a requirement to submit monthly summary reports to the National Security Unit.

An interview with INS' New York District JTTF Supervisor revealed that it was his expectation that INS JTTF Special Agents should pass on sensitive information that could impact INS processes, programs, and alien benefits. He also indicated that he had stressed this "common sense" expectation with all of his staff. However, when presented with the actual October 1999 special interest cases policy guidance the New York District JTTF Supervisor was not familiar with it. In regard to JTTF reporting requirements to the National Security Unit, the Supervisor was aware of each Agent's monthly reporting requirements but stated he did not usually review any of the monthly reports prepared by the 12 INS JTTF Agents in his charge.

There were significant differences in what New York District INS Special Agents and Supervisors assigned to the JTTF believed to be their responsibility and the reporting requirements contained in the October 1999 policy.

Supervisory Officials in the Newark District Office are not sufficiently involved in overseeing activities related to INS' Naturalization Program.

The review included interviews of Newark District officials who were most directly responsible for the daily operations of the office's Naturalization Program. Interviews were conducted with the Assistant District Director of Examinations (ADDE), the Deputy Assistant District Director of Examinations (DADDE), the Supervisory District Adjudication Officer (SDAO) for Naturalization and the

[10] Provided as Attachment 8 to the report

Naturalization Training Officer.[11] Both the ADDE and the DADDE have given the responsibility to run the day-to-day operations of the Districts Naturalization program to the SDAO. When questioned about the Newark District's Naturalization Program, both the ADDE and the DADDE had little knowledge related to the specifics of the internal processes and procedures that were implemented to comply with Service-wide policy directives. Most decisions related to the adjudication of naturalization applications are left solely up to the SDAO with little oversight other than to inquire as to whether the District's planned Naturalization performance goals are met. We also noted the SDAO not only oversees the program but also adjudicates applications. The Training Officer who is primarily an Adjudication Officer, is for the most part left on her own to provide District-wide naturalization training with little oversight from her superiors.

Although no one of these individuals is solely responsible for the process deficiencies noted in this report, it appears that better management oversight and better communication would have resulted in a naturalization process that might have prevented the naturalization of the subject alien. The implementation of Service-wide policy and the development of related internal procedures was left up to one person with little higher level oversight. Inadequacies in the process went undetected until a glaring error was brought to light. The implementation of revised policy, assessments of office training needs, the development of training materials, the development of new procedures to implement Interagency Border Inspection System lookout queries are just some of the issues that should not be left up to one individual to interpret, develop and implement.

Other Observations:

Although not specifically part of this review's stated objectives, the following observations resulted from our interviews and analysis. We believe these observations are potentially relevant to decisions that might result from this report.

- While conducting interviews with the District Adjudication Officers (DAO's) who were conducting the Newark District IBIS checks, we determined these adjudicators had passed the United States Customs on-line IBIS users test. However, not all officers attended the District's detailed training session. The District maintained no record of attendance and District Officials did not realize that all DAO's conducting the IBIS checks were not fully trained. If training is thought to be important enough to provide, procedures should be implemented to ensure that all required training is provided to those in need.

[11] Transcripts from these interviews are provided as Attachments 4, 5, 6 and 7 to the report.

Procedures should include a mechanism to formally certify attendance and student comprehension of the material presented.

- Since September 2001, the Office of Field Operations has been issuing a continuous series of memorandums regarding significant 9/11/01 related policies, procedures and clarifications. These memoranda were intended to provide a quick notification to the field to implement new policies but they often lacked procedural guidance to help Districts comply with the stated requirements. This was the case with the Office of Field Operations memorandum *"Interagency Border Inspection Systems Records Checks"* dated July 2, 2002. The memorandum established the need for Districts to conduct IBIS checks for all INS applications but left process implementation up to each District Office. It was the Newark District Office's internally developed IBIS procedures that contributed to the inaccurate IBIS system query for the subject alien. INS Headquarters is currently developing formal Standard Operating Procedures for distribution to the field that should ensure Service-wide consistency on IBIS check methodology. Considering the volume and frequency of policy memoranda already issued, and the expectation that this will continue, all memoranda should be sequentially numbered and recorded in a summary index and include a statement detailing at least the minimum procedural requirements to help ensure general Service-wide compliance.

- INS Naturalization Quality Procedures (NQP) clearly specify the use of National Automated Inspection Lookout System (NAILS) checks for the normal processing of T-Files. However, the vast majority of naturalizations occur on A-Files and we determined that NQP is silent regarding the use of NAILS checks for this voluminous universe of applications. NAILS checks were conducted by INS clerical processing staff prior to the implementation of NQP in 1997. Currently, contractor personnel perform the clerical function and the requirement to check NAILS was not included as part of the clerical procedures outlined in the national contract. As a result, this important check is not conducted for the majority of INS applications processed by contractor personnel.

- Discussions with Newark DAO's disclosed unfamiliarity with some of the information in the INS Central Index System that is often necessary to properly adjudicate naturalization applications. Specifically, the use of the 9101 and 9504 CIS screen prints[12], and the need to query NAILS matches that become evident to them during the naturalization process. In addition,

[12] The 9101 CIS screen print contains applicant biographical data and might also provide potentially disqualifying lookout data that could influence the decision to approve or deny the application. The 9504 CIS screen print confirms the requisite number of File Transfer Requests were appropriately made. It also contains a File Locator Code that specifies the file's status and may influence how the application is processed.

DAO's seemed to lack familiarity with NQP policy memorandums that were issued after June 1998. The DAO's stated that naturalization policy is transmitted by the Supervisory District Adjudication Officer (SDAO) via office E:mail. The SDAO prepares a brief message summarizing any policy revisions. Some DAO's could not recall having received these E:mails and most did not retain any copies of what they received. There is a need for the District to consider immediate refresher training for DAO's on INS' Naturalization Quality Procedures.

- While conducting interviews in the Newark District, it was disclosed there was no central depository or office library in the District where all naturalization quality procedures, guidelines, directives, policy memorandums etc. could be easily retrieved for review or clarification. Most adjudication officers involved in the naturalization process had the Naturalization Quality Procedures Manual but almost none had copies of any other policy guidance and in most instances had no awareness that other policy memoranda had been issued by INS Headquarters.

RECOMMENDATIONS:

Executive Associate Commissioner, Office of Field Operations should:

(1) Take individual corrective actions as deemed appropriate.

(2) Ensure that all INS Agents and Supervisors assigned to work as members of the Joint Terrorism Task Force are trained and made aware of their reporting responsibilities to INS. Training should particularly address INS policy related to the reporting of sensitive and special interest cases to the National Security Unit and other responsible INS officials.

(3) Immediately develop Standard Operating Procedures for the handling of official documents by INS Special Agents who serve as Liaison Officers with FBI Headquarters. Procedures should particularly address the need for INS Special Agents to log-in the receipt and disposition of all documents. The log should include a brief summary of the document, the date received, who it was received from, the date forwarded and the name of the INS official who actually took possession of the document.

(4) Require the sequential numbering of all policy memoranda that is provided by the Office of Field Operations. All policy related memoranda should be included in a summary index and include a statement detailing at least the minimum procedural requirements to help ensure general Service-wide compliance. All memoranda should ultimately be included in appropriate Field Manuals or Administrative Manuals.

(5) Ensure that all INS officers are properly trained in how to respond to Service-wide requests for A-Files. Guidance should include steps to be taken when files are unavailable for review, particularly those that are classified or are subject to some type of investigation. Consideration can also be given to a file location code that might identify classified or otherwise "unavailable" files.

Deputy Executive Associate Commissioner, Immigration Services Division should:

(6) Develop procedures to ensure a definitive response for all name checks sent to the FBI related to naturalization applications. Presumptive assurance should no longer be considered an acceptable policy. New procedures should prohibit the processing of any application that might have an unresolved *indices popular* designation in the CLAIMS 4 System. Procedures should include a management control to prevent the routine override of this process designation.

(7) Initiate steps to ensure that all required FBI name checks are properly conducted to include search detail that is comprehensive enough to disclose an applicant's known terrorist affiliations and criminal history.

(8) Initiate steps to revise the Naturalization Quality Procedures to ensure that manual National Automated Inspection Lookout System (NAILS) checks are routinely performed for all naturalization applications regardless of the type of file being used (A or T-file).

(9) Require the immediate development and issuance of formal Service-wide Standard Operating Procedures for conducting IBIS queries at INS District Offices and Service Centers prior to the approval of any application. At a minimum, procedures should include the availability of the actual file while conducting the query and a search of the file for any aliases or other names of interest that must be run as part of the query process.

(10) Develop a program to provide uniform training to all District and Service Center INS officials who are expected to perform IBIS checks on alien applications for INS benefits. Training procedures should include a mechanism to formally certify attendance and student comprehension of the material presented.

(11) Require all District Offices to review their internal procedures related to the receipt and disposition of Reprint Reports provided by a Service Center in order to facilitate the transfer of delinquent A-Files. Internal procedures should ensure the proper elevation of these reports to the specific attention of the Assistant District Director for Examinations and the District Director.

(12) Institute a policy to require periodic Naturalization Quality Procedures refresher training for adjudicators in the District Offices. This policy should consider the possible re-certification for all Adjudication Officers involved in the naturalization process every two or three years.

(13) Initiate a re-assessment of the Naturalization Program's Quality Assurance process to incorporate quality assurance steps that address the NQP concerns noted in this review related to FBI name checks, IBIS checks, NAILS lookout queries, File Transfer Requests, and Reprint Reports.

(14) This report suggests the high probability that similar naturalizations of ineligible aliens may have occurred in the past. As a result, the Immigration Services Division should evaluate the report's impact on the universe of INS naturalizations that occurred in past years. This evaluation should consider the practicality or potential benefit of having ISD selectively assess the appropriateness of past naturalizations to identify those that may be improper.

Executive Associate Commissioner, Office of Management should:

(15) Provide immediate Service-wide guidance to District based records staff to clarify their responsibilities in the INS file transfer process. This guidance should address roles and responsibilities when responses are not received to file transfer requests.

due process rights to which they were entitled" and to report in writing by March 30, 2006, on "its efforts to comply with this order."

- European Connections & Tours, Inc. v. Gonzalez: On 3/3/06, the U.S. District Court for the Northern District of Georgia granted a temporary restraining order (TRO) against the Government, finding that plaintiff, an international marriage broker, had demonstrated a substantial likelihood of showing that the International Marriage Broker Regulation Act of 2005 (sections 832 - 834 of the Violence Against Women Act of (VAWA) 2005) was unconstitutional under the 1st & 5th Amendments. The district court's precise findings went to the 5th Amendment equal protection argument. The district court also found that there was no governmental interest furthered by the distinctions between for-profit and not-for-profit international marriage brokers and that the statute was more extensive than necessary to protect foreign women from abuse by American men. The TRO was verbally entered. The District Court will likely enter a written order sometime this week.

- Abghari v. Gonzales. On 2/14, the US District Court for the Central District of California ordered USCIS to adjudicate the naturalization application of an Alien Entrepreneur Conditional Resident (EB-5) within 120 days after the date on which the naturalization interviews were conducted. The court found that USCIS' inability to adjudicate the petitioner's six and a half year old petition to remove conditions (because of the absence of regulations) did not justify delaying adjudication of the naturalization application. The Court was not persuaded by the Government's argument that an alien whose residence is subject to conditions is ineligible to naturalize. ICE has suggested that there may be derogatory information about the applicant, but the information is unavailable to USCIS at this time. Absent prompt promulgation of the EB-5 regulations, USCIS will likely be forced to grant this, and other, naturalization applications. The District Court's order, widely disseminated by the immigration bar, has already resulted in a flurry of threatened lawsuits by other EB-5 conditional residents, in addition to the other currently existing lawsuits in regard to this matter.

- American-Arab Anti-Discrimination Committee (ADC) "120 Day Cases" in District Court. The Department of Justice is greatly concerned with the number of these actions that are pending. A concerted effort to file such cases in district court pursuant to 336(b) of the Act is being championed by the American-Arab Anti-Discrimination Committee. DOJ/OIL believes that CIS violates its own regulations (at 8 C.F.R. 335.2(b)) in holding interviews before checks are done, and that DOJ is left without a good argument to make when advocating these cases before district courts. While DOJ understands the Congressional and Presidential mandates on processing times and backlog reduction that CIS labors with, OIL nonetheless has expressed in the strongest terms a desire that CIS conducting the naturalization process in this way.

- U-visa Regulations Litigation. The plaintiffs failed to file a response to oppose the Government's motion to dismiss in the suit against USCIS for failure to promulgate the U-visa regulations. OIL is very appreciative of USCIS cooperation and support in the litigation effort. It is expected that the court will issue an order dismissing the case soon.

- *Padilla & Santillan* Litigation Update. First, as to Padilla, Judge Hinajosa, has sua sponte decided to put the case back on the calendar and hold a hearing on the pending motion to dismiss without further briefing. The Padilla hearing will be held 3/22 and OIL is not aware of what the judge intended or why he had decided upon this course of action after accepting a stipulation between the parties to hold the case in abeyance pending resolution in Santillan. In Santillan, there have been some events that turn upon the technical details of federal court judgments and decisions. Although the court has rendered a decision and issued an injunction, the separate order formally entering judgment has yet to be issued by the court. The plaintiffs moved for such an order, which was summarily denied. The plaintiffs then moved for costs in the case, approximately $36,000, which was rejected by the clerk,

Ms. SÁNCHEZ. [Presiding.] Thank you for your testimony Ms. Jenks.

We now will begin our first round of questioning, and I will start with myself.

Mr. Vargas, my first question is for you. You state in your written testimony that the most recent increase in the last year was the third highest in our Nation's history in terms of applicants. Given that fact, do you think that USCIS should have been able to anticipate or at least respond better to the increase in the applications for citizenship?

Mr. VARGAS. Thank you, Congresswoman, for that question. Absolutely. In fact, we ourselves saw it coming when the fee increase was announced; the kind of debate this Nation was having around the role of immigrants, we could have seen this coming ourselves, and that is why we met with the USCIS in Los Angeles and here in Washington to advise them of the impending increase.

It was suggested that the increase would be isolated to some cities such as Los Angeles, and states such as California. But in fact the opposite occurred. It occurred throughout the country. We believe this should have been anticipated. And as Ms. Jenks said, now we are operating in crisis mode. This is not the way to adjudicate applications for citizenship.

Ms. SÁNCHEZ. Thank you. And do you think that USCIS met and responded adequately with groups such as NALEO to try to figure out which would be the best solutions for trying to cope with an increase in the number of applications?

Mr. VARGAS. I think this is an example where we see some inconsistencies of how the USCIS works with some organizations such as NALEO. In Los Angeles we have an excellent working relationship and partnership where we were able to identify local challenges and come up with practical local solutions. We wish that this kind of partnership would be replicated throughout the country, including Illinois and Texas and Iowa and New York so that the USCIS could benefit from the experience of local service providers.

Ms. SÁNCHEZ. So I am assuming that NALEO, among many of the other groups that helps with citizenship applications, sort of I would assume, would be in a good position to understand what some of the longest delays tend to center around and could provide helpful advice in terms of how USCIS could sort of tighten up their operations in order to address some of those concerns that you see over and over again.

Mr. VARGAS. That's right. And, in fact, sometimes we actually end up suggesting to applicants that they do exactly what you experience, Congresswoman, and refer to their Members of Congress.

Ms. SÁNCHEZ. Thank you for that. We do receive quite a number of inquiries in my office as a result. Thank you.

Mr. Tsao, did I pronounce that correctly?

Mr. TSAO. Yes, ma'am.

Ms. SÁNCHEZ. As you heard earlier from my questions I have many examples of constituents who have waited 2, 3, and even 4 years for their naturalization process applications to be approved. And these people have done everything that has been asked of them. They have turned in all the paperwork. They are not missing

anything. They have passed their English exams. They have, you know, their civic exams, and yet they are just waiting and waiting and waiting.

I am interested in hearing what are some of the consequences that you have seen as a result of the backlog of immigration cases that haven't been cleared.

Mr. TSAO. Thank you, Representative Sánchez. We in Chicago have seen quite a number of cases that have experienced delay. Many of these delays, unfortunately, have to do with the name checks. And these are gentlemen who have been waiting months, if not years, for their names to clear. These are people without criminal records. They have never had any trouble with the law, and yet they are in this situation where they have to keep waiting.

Ms. SÁNCHEZ. How does that realistically impact them in their day-to-day lives?

Mr. TSAO. Certainly quite a number of them would like to travel back to their home countries as U.S. citizens, without any possible obstacles of returning back to their countries. There are a number of situations where we have refugees and asylees who are elderly or disabled, who are reaching the end of their eligibility for SSI benefits, and they would like to become citizens. This is the income that supplements the support they get from their families and from their communities. And yet, because of the current 7-year bar, if they are not able to accomplish their citizenship within 7 years, they will lose that support. As I understand, there is legislation that would address this issue pending before this Congress.

Ms. SÁNCHEZ. Thank you. My last question is for all three of the panelists, and I am going to pose a hypothetical question to you. If USCIS were a corporation and Dr. Gonzalez were the CEO of that corporation, do you think—this is your personal opinion—that based on the work performance and the outcomes of what the agency has produced, do any of you believe that that corporation would still be a growing oing concern and in existence at this point? Mr. Vargas.

Mr. VARGAS. I think the shareholders would have some serious questions about the management of the agency.

Ms. SÁNCHEZ. Thank you, Mr. Tsao.

Mr. TSAO. I would feel the same way, yes.

Ms. JENKS. It would have gone bankrupt years ago.

Ms. SÁNCHEZ. Thank you. I think that is a sad commentary on the status of the backlog and where we are. And with that, my time has expired, and I will recognize the Ranking Member, Mr. King of Iowa.

Mr. KING. Thank you, Madam Chair. I am amazed at the naivety of everybody's response to that question. They have a monopoly. Of course, they wouldn't have gone bankrupt. That is one of the things we need to bring into a lot of different aspects of government is competition. And that makes us all better. That is my little point of my philosophy.

I turn, if I could, first to Mr. Vargas. And as I read through your testimony and consider that presentation, you talk—you write in your testimony that USCIS must take swift and effective action to ensure that all the applicants can realize their dream of U.S. citizenship, and a recommendation was by July 4th of 2008.

What would be the highest priority of USCIS's job? Is that it as you define it?

Mr. VARGAS. I think the highest priority is to provide a quality service for a reasonable price. And when they testified before this Committee last year, when we discussed the fee increase, that was exactly the point that I was making; that if you are going to ask more financially of these applicants in addition to everything that an applicant does, learn English, follow the rules, take the test, demonstrate their loyalty and faithfulness to this country, that they should receive a reasonable service.

The July 4th is just a goal, sir.

Mr. KING. I understand that. But could you incorporate into that philosophy the level that you put on our national security and on the background check side of this? That seems to be absent from your testimony.

Mr. VARGAS. I don't think national security should be compromised in any way. We also believe, though, that we could achieve these goals simultaneously of ensuring our security, ensuring integrity in the process, and also making sure that applicants seeking citizenship are treated fairly.

Mr. KING. Fair enough. And as I go to your point about the FBI and the 90-day deadline, what would you recommend would be the result at the end of 90 days if the FBI doesn't complete the background check?

Mr. VARGAS. I think that is an excellent question for the FBI when it is called to appear before this Committee.

Mr. KING. You wouldn't make a recommendation as to what that consequence might be? There wouldn't be an implication in your testimony that the process should go forward, that the application should go forward.

Mr. VARGAS. I think there should be a report from the FBI, either to the applicant or to this Committee, as to why a 90-day check cannot be achieved.

Mr. KING. We are in agreement all the way down through this testimony, through your response to my questions I should say, up to and including that our national security shouldn't be compromised, but we need to find ways to make government efficient. And I agree with the substance of that testimony.

And I would turn to Ms. Jenks and your testimony. It seemed that you had more to say when that clock ran out.

Ms. JENKS. Always.

Mr. KING. I do know that. I would ask you about the political dynamic that brought about Citizenship USA, and if you might draw some comparisons between that time and this time now in 2008.

Ms. JENKS. There are quite a number of comparisons, which worries me. Of course, Citizenship USA was created because there was a huge backlog due to the fact—well, several factors, but one of them, the biggest, being that the aliens who were given amnesty under the 1986 act had just become eligible for naturalization and had applied, rightly so, in large numbers.

There was also welfare reform and green card replacement programs going on. That all drove more immigrants to apply. This was entirely foreseeable and yet still the INS waited until they were in a crisis and they had a massive backlog, and then they started de-

tailing employees from one part of the agency to another, which we heard this morning is already happening at USCIS. And then they started hiring temporary workers, which we heard this morning has already started happening at USCIS. And then, when none of that worked, and there was still a lot of pressure from Congress, from the applicants and from the White House, because an election was pending, then they brought in an outside consulting firm that reengineered the process. And the shortcuts that always seem to be taken when any of these processes is reengineered is the security part of it because that is what takes the longest. Inevitably it is the security checks that take the longest.

Mr. KING. Also has USCIS, have they gained more security clearance and more investigators or have they lost them in the last couple of years, to your knowledge?

Ms. JENKS. They have lost them. I don't know that they have—they may still have two actually law enforcement authorized people there. I think that is it.

Mr. KING. The dependency is on the FBI and their level——

Ms. JENKS. Absolutely.

Mr. KING. I make a point here, Ms. Jenks. If there were 10 million people who want to come into the United States and we let 1 million people in a year, the average wait would be roughly 10 years. And we get concerned about lines, but the truth is that we have more applicants than we actually have slots for, and that is part of this equation; would you agree?

Ms. JENKS. Absolutely. And that is not going to change unless Congress changes the overall immigration law. The fact is that this is an agency that is going to face crisis after crisis after crisis after crisis if we are going to deal with it in that way.

So until Congress steps in and exercises a firm oversight authority and essentially forces them to step back and fix the underlying system, get the IT system up—how long have we all been hearing that they are going to become a digitized agency? And today we heard, well, in the next 5 years we are supposed to go—move out of using paper. Well, we have heard it over and over again. When is it going to happen? It has to happen. You cannot build a strong building on a weak foundation. It won't work.

Mr. KING. But completing interviews prior to a background check would be a waste of human resources that could be better used, and I conclude that as a message to be given to this panel as well.

And I thank you and all the witnesses for their testimony. Thank you. I yield back.

Ms. LOFGREN. Thank you. The gentleman yields back.

I would just like to close with a couple of comments rather than questions. First, I think it is important that we not pose, really, the false question of either we have to have insecurity or inefficiency, because you can have both security and efficiency; and that is, I think, what we are all striving for here today.

Secondly, there is no quota on how many people who are eligible to apply for citizenship get to be become Americans. It is only all the people who are eligible and who want to be Americans get to do that. So I think that it is important to state that. And we benefit from that, we all agree on that.

Thirdly, you know, with 5,000 lawsuits being filed—and I think all the Members here probably have run into it, where people are tearing their hair out; it is 2, 3, 5 years and you can't get a yes or no. I mean, you cannot get a yes or no.

And finally a lot of things are at stake here: whether you can apply for your spouse, whether you can take the job you have been offered at a defense firm. Many things. And so if we can't get this under control, more lawsuits are going to be filed, more agency resources are going to be directed toward dealing with that, and it is a spiral downward. So we have to get this done.

We had a workshop on information technology last fall, and I was the only Member who was able to come, regrettably, but I think we might actually do a hearing on that, because I think there is total agreement wherever you are on the philosophical issues of immigration, we have to have an adequate system here. And we don't. And that is really also the problem with the FBI, that they are still creating paper files in 2008, it is just unbelievable. It is unbelievable. And it is not secure.

If you have to chase down files on agents' desks all across the country, I mean, it is a problem for applicants for naturalization. It is a disaster for managing caseloads in terms of protecting us from people who want to do us harm. So we really have to move into the modern age.

And I am hopeful that one of the things we can work together on as a Committee—even we don't agree on everything having to do with immigration—is to work together on a bipartisan basis on efficiency and getting these systems to work and having an agency that we can be proud of.

So a lot of people don't realize that the witnesses are volunteers here today. We do thank you for coming to share your expertise for all you have done not only today but for our country.

And at this point, we would invite Members to submit additional written questions. We have 5 legislative days to do that, and we will forward the questions to all the witnesses. And if we do have questions, we would ask that you answer them promptly. And for the record, the record will remain open for 5 legislative days. And we thank you again and this hearing is adjourned.

[Whereupon, at 12:25 p.m., the Subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

Questions

For Dr. Gonzalez:

1. It's my understanding that the Los Angeles office has over 145,250 applications pending and that this is the largest number of pending cases in the country. Is this figure correct?
2. What specific plans does the agency have to address this backlog of applications? Please include the dates such plans will be implemented.
3. Based on the current staff levels in the L.A. office, how many additional staff are needed to eliminate the backlog of applications in FY2008? I am concerned about the very significant number of individuals who would be able to vote in the November elections if their citizenship paperwork was finalized in a timely manner.
4. Finally, I appreciate your offer to look into one of the pending cases in my district for Mr. Norman G. Roberts A# 076-466-512. Mr. Roberts submitted his application for Naturalization on January 05, 2005. Mr. Roberts successfully past the oral examination on June 29, 2005 and is patiently waiting on the final outcome. Mr. Roberts is an employee for Delta Airlines at the Los Angeles International Airport. Mr. Roberts has missed out on many opportunities for promotion because he is not a United State Citizen.

For Mr. Tsao:

1. In your testimony, you highlighted the surge in Iraq and the growing number of refugees from Iraq who are now here in the U.S. As the founder of the Out of Iraq Caucus, this is a particular concern of mine. You also mentioned your concerns about other immigrants from the Middle East. Please elaborate on these issues and share with us any recommendations you have to address these growing problems.

Mr. Gonzalez

Answers to QFR

Q1. It's my understanding that Los Angeles office has over 145,250 applications pending and that this is the largest number of pending cases in the country. Is this figure correct?
A1. Yes. The Los Angeles District Office had the highest pending count of N-400 applications as of December 30, 2007.

Q2. What specific plans does the agency have to address this backlog of applications? Please include the dates such plans will be implemented.
A2. USCIS has implemented a surge mitigation plan, which the most significant action being increased hiring of adjudicators and related support. USCIS was already in the process of hiring more than 720 new adjudicators this year and the surge mitigation plan will expand that hiring by more than 570 new temporary adjudicators. All new staff is anticipated to be hired and trained by no later than the end of the current calendar year. USCIS also is in the process of implementing operational efficiency improvements, and will deploy targeted technological improvements this year, both of which will help reduce processing times so that the backlog can be reduced more quickly.

Q3. Based on the current staff levels in the L.A. office, how many additional staff are needed to eliminate the backlog of applications in FY2008? I am concerned about the very significant number of individuals who would be able to vote in the November elections if their citizenship paperwork was finalized in a timely manner.
A3. The USCIS Surge Response Plan has been developed to take immediate steps to address this dramatic surge of applications and to provide the necessary additional resources that can be recruited, trained, equipped, and integrated into facilities that can be made available. The plan provides an additional 186 new staff to the Los Angeles District Office to eliminate the increased volume of pending naturalization applications, among others, by the 3rd quarter of FY 2010. USCIS does not have the capacity to increase the Los Angeles office eliminate this backlog of work in FY 2008.

Fred Tsao

Answer to QFR

During the hearing, I expressed concern about immigrants from the Middle East, including many refugees from that region, being disproportionately affected by the current name check policies. USCIS has arranged for the FBI to check the names of each of these individuals as they apply for green cards and citizenship to see if the names appear in FBI files for whatever reason. Currently 145,000 citizenship applicants are facing delays due to name checks. We do not know for certain what percentage of these applicants are from the Middle East. However, our experience with local citizenship promotion efforts and information from our constituents within the Arab and Muslim communities indicate that significant numbers of the delayed applications are those of Arab and Muslim men. Some of the delay may result from how common some names are (such as Muhammad Khan), as well as variations in how these names are spelled when transliterated from Arabic or Urdu. However, we are concerned that these groups may be facing further scrutiny based on concerns over national security, concerns that may amount to ethnic profiling.

Some applicants have been waiting two or three years, even though they have otherwise passed their citizenship test and interview and have no other blemishes on their record. They are unable to vote, seek employment or other work with the federal government, sponsor their relatives to immigrate, or travel on US passports. We are encouraged by the initial steps that the FBI and USCIS are taking to provide more resources for the name check process. But we also question whether these checks are even necessary given the criminal background checks and other scrutiny that citizenship applicants already face. At very least, we would want to see some inquiry, either through this committee or some other body, into whether the FBI name checks actually uncover any new information about these immigrants that would disqualify them for citizenship. More generally, we need to find out whether these checks are effective in enhancing our security, or whether they are merely a waste of government resources and a bane for these thousands of citizenship applicants. If the latter, then USCIS should end this practice and stop holding up citizenship for these immigrants.

Memorandum January 15, 2008

TO: House Committee on the Judiciary
Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law
Attention: Blake Chisam

FROM: Ruth Ellen Wasem
Specialist in Immigration Policy
Domestic Social Policy Division

SUBJECT: **Naturalization Receipts and Fees: Analysis of Selected Trends**

As requested, this memorandum provides analyses of the relationship between naturalization petitions filed and the fees charged to process naturalization petitions. The analyses are preliminary due to the limited data available and the time constraints posed by the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law's hearing on naturalization, which is scheduled for January 17, 2008.

Overview

Basic Requirements

Under the Immigration and Nationality Act (INA), all aliens who enter as legal permanent residents (LPRs) have the potential to become citizens through naturalization. To naturalize, aliens must have continuously resided in the United States for 5 years (3 years in the case of spouses of U.S. citizens), show that they have good moral character, demonstrate the ability to read, write, speak, and understand English, and pass an examination on U.S. government and history. Applicants pay a fee ($675) when they file their petitions, typically the N-400 form, with the U.S. Citizenship and Immigration Service (USCIS) in the Department of Homeland Security (DHS).

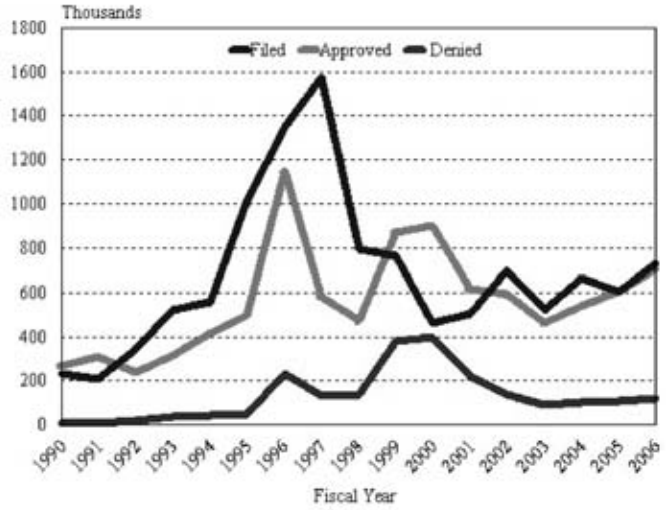
The language requirement is waived for those who are at least 50 years old and have lived in the United States at least 20 years or who are at least 55 years old and have lived in the United States at least 15 years. For these individuals, the civics test is given in their native language. Special consideration on the civics requirement is to be given to aliens who are over 65 years and have lived in the United States for at least 20 years. Both the language and civics requirements are waived for those who are unable to comply due to physical or

developmental disabilities or mental impairment. LPRs who serve in the U.S. military are eligible for expedited processing and waivers of certain requirements.

Recent Historical Trends

The number of immigrants petitioning to naturalize surged in the mid-1990s, jumping from just over half a million applicants in FY1994 to more than 1 million in FY1995 (**Figure 1**). There were an unprecedented 1.6 million petitions in FY1997, but the number had declined to 460,916 petitions in FY2000. The number of N-400 petitions has been edging upward in the mid-2000s, but has remained under 800,000 annually.

Figure 1. N-400 Petitions Filed, Approved, and Denied, FY1990-FY2007



Source: CRS analysis of data from the DHS Office of Immigration Statistics.

Although the number of petitions denied have been considerably less than the number approved, the data exhibit a similar pattern (**Figure 1**). Approvals and denials rose in the mid-1990s, dropped in FY1997, and rose again in FY1999.[1] Since FY2003, approvals have been rising at a faster rate than denials. In FY2005, USCIS reported that more petitions were approved (604,280) than were filed (602,972), due in part to backlog reduction efforts.

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[1] The initial spikes in these data also correspond to the ill-fated *Citizenship USA* campaign (August 1995 through September 1996), in which the former INS sought to process N-400 petitions within 6 months. Concerns arose in the summer of 1996 that *Citizenship USA* had streamlined the process to the degree that basic requirements of the INA were not being met. For a fuller account, see CRS Report 98-190, *Naturalization Trends, Issues, and Legislation*, by Ruth Ellen Wasem (available on request).

There are several demographic factors that account for the dramatic increase in naturalization petitions in the mid-1990s. Most notably, about 2.8 million LPRs who legalized through the Immigration Reform and Control Act (IRCA) of 1986 became eligible to naturalize, thus creating a one-time-only surge in the number of people seeking to naturalize. In addition to the IRCA legalized population, there has been a steady rise over the past few decades in the overall number of legal immigrants to the United States. For example, immigration during the 15-year period 1981-1995 was almost twice that of the previous 15 years. This increased level of immigration, in turn, increased the pool of people eligible to naturalize.

An administrative policy change also contributed to the naturalization spike in the mid-1990s. Specifically, the then-Immigration and Naturalization Service (INS) began a "green card" replacement program in November 1993 as an effort to curb document fraud. At that time, the INS estimated that there were 1.5 million LPRs in the United States who had to replace their green cards (I-151 cards) with new biometric LPR cards. The old I-151 cards expired on March 20, 1996. Many LPRs reportedly instead opted to naturalize.[2]

During the peak of naturalization petitions filed the mid-1990s, some further contended that anti-immigrant attitudes in the country might have influenced LPRs to naturalize.[3] While some immigrants may have felt pressured to become citizens because they feared they would be otherwise disadvantaged, other immigrants may have become motivated to obtain citizenship to vote and participate more fully in the political debates. Others speculated that this increase in naturalization petitions was sparked by the restrictions in eligibility for welfare and other federal assistance enacted in 1996.[4]

Pending Cases

The number of LPRs with naturalization petitions pending peaked at 1.8 million when FY1998 drew to a close, as **Figure 2** illustrates. The former INS was unable to keep pace with the rise in petitions during the mid-1990s, and pending cases soared. After the number of LPR admissions and adjustments decreased at the turn of the century, the receipt of N-400 naturalization petitions began to level off in the 2000s. Additionally, Congress appropriated about $414 million in discretionary funds from FY2003-FY2007 for a USCIS initiative to reduce the backlog of all immigration and naturalization cases. There was also a steady increase in filing fees over the past ten years, from $95 in FY1997 to $675 in FY2007.[5] As a result of these factors, the number of pending cases subsided.

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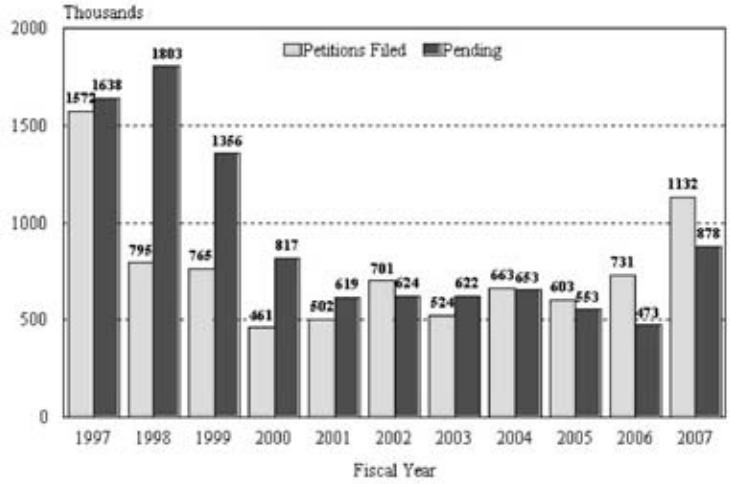
[2] *Interpreter Releases*, v.72, no. 499, Apr. 10, 1995.

[3] For a more complete analysis, see CRS Report 98-190, *Naturalization Trends, Issues, and Legislation*, by Ruth Ellen Wasem (available on request).

[4] The U.S. General Accounting Office (GAO) attempted to address this question, but encountered methodological difficulties. See: *Welfare Reform: Public Assistance Benefits Provided to Recently Naturalized Citizens*, GAO/HEHS-99-102, June 1999.

[5] For a complete analysis of these fees and how USCIS uses them, see CRS Report RL34040, *U.S. Citizenship and Immigration Services' Immigration Fees and Adjudication Costs: The FY2008 Adjustments and Historical Context,* by Chad C. Haddal.

Figure 2. Naturalization Petitions Filed and Pending, FY1997-FY2007



Source: CRS analysis of workload data from DHS Office of Immigration Statistics.

Preliminary Analysis of Naturalization Receipts and Fees

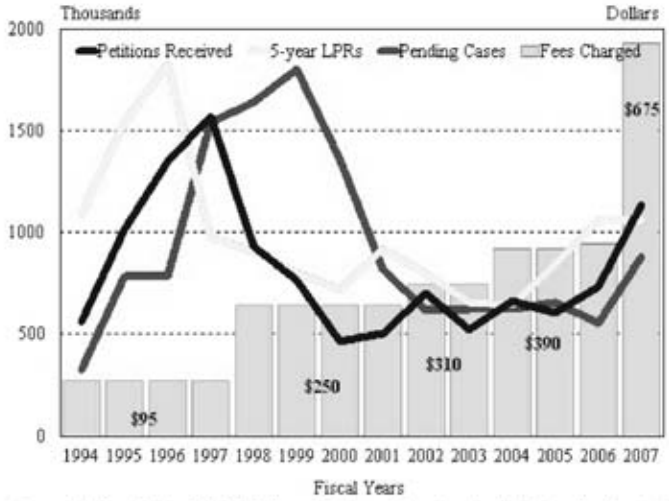
Fiscal Year Trends

As noted at the onset of the memorandum, the analyses presented here are preliminary as well as suggestive of the relationship between naturalization petitions filed and the fees charged to process naturalization petitions. Given the complex set of factors noted above that are likely to effect the number of naturalization petitions filed each year, it would be quite difficult (especially given the time constraints) to construct a model of these relationships. What is possible at this time is a trend analysis (**Figure 3**) of key administrative factors:

- number of people who became LPRs five years prior to the fiscal year (yellow);
- number of naturalization petitions (N-400s) pending at the beginning of the fiscal year (red);
- dollar amount of the fees charged to process N-400 during the fiscal year (green); and,
- number of naturalization petitions (N-400s) filed that fiscal year (blue).

Drawing on data from the former INS, USCIS and the Office of Immigration Statistics (OIS), CRS has compiled a complete times series of these four pieces of data beginning in FY1994.

Figure 3. Naturalization Trends: Selected Patterns FY1994-FY2007



Source: CRS analysis of USCIS data and Office of Immigration Statistics data. Fee totals include fees for biometrics begun in FY1998.

As **Figure 3** illustrates, the number of naturalization petitions (N-400s) *filed* closely track the number of people who became LPRs five years prior to the fiscal year. In turn, the number of naturalization petitions (N-400s) *pending* closely tracks the number of naturalization petitions (N-400s) filed that fiscal year as well as the number of people who became LPRs five years prior.

These fiscal year times series data do not enable us to discern whether the increase in filing fees plus charges for biometric features (from $95 in FY1997 to $250 in FY1998 to $310 in FY2002 to $390 in FY2004 and finally to $675 in July of 2007) was a response to the changing caseload during this period from FY1994 through FY2007, was a factor that influenced the caseload, or was largely unrelated.

Monthly Trends

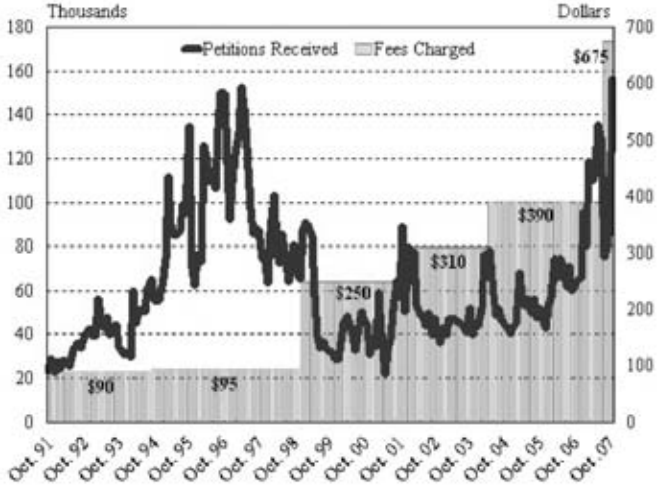
Using two pieces of data that are available in monthly reports – the dollar amount of the fees charged to process N-400 petitions during the fiscal year and the number of naturalization petitions filed – a pattern between the two is suggested.[6] As **Figure 4** reveals, there has been an up-tick in the number of N-400 petitions filed in the months immediately

[6] CRS has compiled a complete times series, beginning in FY1992, with data obtained from the Performance Analysis System (PAS) G-22 series of former INS, USCIS and OIS.

preceding the announced increase in fees. This pattern is evident in each of the fees increases from FY1998 through FY2007.

FY2008 has begun with 246,231 naturalization petitions received in the first 2 months, despite the fee increase to $675 effective in July 2007. Most significantly, the number of petitions received in November 2007 was156,433,which has exceeded any one month during the peak years of the mid-1990s. The latest spike may be due in part to administrative factors, such as the new "green card" replacement program and reported USCIS delays in "receipting" petitions actually filed earlier.[7] It is also likely attributable to an increased number of LPRs eligible to naturalize. A growing desire for political participation among immigrants, embodied in organizing drives, and a response to perceptions of growing anti-immigrant public opinion, may also be contributing factors.

Figure 4. Monthly Trends in N-400 Petitions and Fees, FY1992-FY2008



Source: CRS analysis of USCIS data from the Performance Analysis System (PAS) data G-22 series. Fee totals include fees for biometrics begun in FY1998.

I hope you find these analyses useful for your hearing. Please contact me if I can be of further assistance.

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[7] The USCIS Ombudsman has found that USCIS has in-take delays in recording the "receipt" of petitions and their accompanying fees. Petitions reportedly are accumulating for weeks prior to the receipt being noted in the systems.

Congress of the United States
Washington, DC 20515

December 18, 2007

The Honorable George W. Bush
President
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Bush:

We are writing to express our deep concerns regarding the naturalization application backlog at the U.S. Citizenship and Immigration Services (USCIS) agency. We believe the delays are unnecessary and cause damage to the naturalization process and urge you to investigate and resolve these delays.

Recent reports allege that the agency is months behind schedule in returning receipts for checks written to cover fees, which is an early step in the application process. The Department of Homeland Security (DHS) has estimated that it will take 16 to 18 months on average to process applications filed after June 1, 2007. This is an unacceptable amount of time.

America's immigration system should be efficient and effective especially for those abiding by the law and eager to participate in civic society. For the majority of immigrants, becoming a U. S. citizen is the culmination of many years of hard work and is a critical step toward integration into American society. We believe these delays are a serious obstacle for many of the eight million legal permanent residents who are abiding the rules and hope to become full participants in America's civic life. We urge you to fully investigate the delays and immediately correct this situation.

We look forward to your response by December 31, 2007. Please include in your response whether your plan to hire 1,500 new employees is sufficient to solve the problem to resolve this backlog and to ensure applicants have materials before voter registration deadlines. Also, please identify any obstacles that would prevent an immediate resolution to this backlog.

Sincerely,

HILDA L. SOLIS
Member of Congress

ZOE LOFGREN
Member of Congress

HOWARD L. BERMAN
Member of Congress

LOIS CAPPS
Member of Congress

PRINTED ON RECYCLED PAPER

JANE HARMAN
Member of Congress

GEORGE MILLER
Member of Congress

DENNIS MOORE
Member of Congress

GENE GREEN
Member of Congress

DENNIS A. CARDOZA
Member of Congress

BRAD MILLER
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Fact Sheet

DECEMBER 2007

Trends in Naturalization Rates

BRYAN C. BAKER

INTRODUCTION

The naturalization rate of legal permanent residents (LPRs) may be considered a measure of assimilation and adaptation in the United States. Naturalization rates vary by demographic characteristic, legal basis for immigration, and the period during which LPR status was obtained. This Office of Immigration Statistics Fact Sheet illustrates that variation and shows how naturalization rates have changed over time.

DATA AND METHODS

Matched immigration and naturalization data for 1973[1] through 2005 were obtained from administrative records maintained by the Department of Homeland Security. These records were restricted to immigrants at least 18 years of age at the time LPR status was obtained to exclude children who may have derived citizenship from their parents. Naturalization rates were calculated as the proportion of LPRs becoming U.S. citizens by a given date or within a given period of time. These rates were calculated separately for each cohort of immigrants obtaining LPR status in the same year, and no adjustments were made for emigration or mortality.

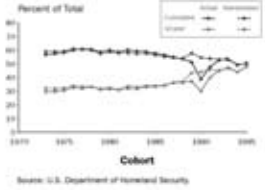
FINDINGS

Through 2005, cumulative naturalization rates for the 1973 through mid-1980's cohorts approached 60 percent (see Figure 1). Rates were lower for the more recent cohorts, partly reflecting the lesser amount of time these immigrants have had to naturalize. Cumulative rates were particularly low for the 1989-1991 cohorts, which consisted disproportionately of Mexican immigrants who obtained LPR status under the Immigration Reform and Control Act (IRCA) of 1986; Mexican immigrants have historically had lower naturalization rates than other immigrants (see Figures 2 and 3). Standardized rates, the rates that would have been expected if each cohort exhibited the same birth region[2] distribution of LPRs as the 1995 cohort, were reasonably consistent with the crude rates for most cohorts and were much higher than the crude rates for the 1989-1991 cohorts.

[1] Years refer to calendar years (January 1 to December 31).
[2] Birth regions included Asia, Africa, the Caribbean, Central American, Europe, Mexico, Oceania, South America, and other.

The timing of naturalization has shifted with more recent cohorts becoming U.S. citizens sooner than earlier cohorts. Naturalization rates for the first 10 years in LPR status ranged from 30-35 percent for the 1973 to mid-1980's cohorts and were generally higher for more recent cohorts. After standardizing, the 10-year rates were consistently higher for more recent cohorts compared to earlier cohorts.

Figure 1.
Naturalization Rates for 1973-1995 LPR Cohorts Through 2005 and within 10 Years of Obtaining LPR Status



Source: U.S. Department of Homeland Security.

Asian immigrants had the highest cumulative naturalization rates and Mexican immigrants had among the lowest (see Figure 2). Asian immigrants naturalized at a rate of approximately 70 percent for the 1973 to mid-1980's cohorts and 60-65 percent for the later cohorts. Mexican immigrants naturalized at a rate of 45-50 percent for the 1970's cohorts, 35-40 percent for the 1980's cohorts, and 20-30 percent for the 1990's cohorts. The higher rate for the 1989 cohort of Mexican LPRs and the subsequent lower rate for the 1990 cohort reflect naturalization propensities of different classes of IRCA-based LPRs. Europeans naturalized at a rate of approximately 40-50 percent for the 1970's and 1980's cohorts and 50-60 percent for the 1990's cohorts. The higher rates for more recent cohorts of European LPRs reflect compositional changes, most notably the increase in refugees associated with the dissolution of the Soviet Union.

Homeland Security

Office of Immigration Statistics
POLICY DIRECTORATE

Figure 2.

Naturalization Rates for 1973-1995 LPR Cohorts Through 2005 by Region of Birth

Percent of Total

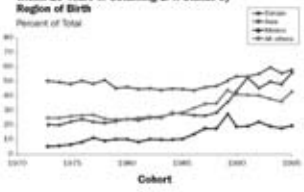
Source: U.S. Department of Homeland Security.

Across all regions, immigrants comprising the more recent cohorts were more likely to naturalize within 10 years of obtaining LPR status than were their earlier counterparts. Asian LPRs were the most likely to naturalize within 10 years, with approximate rates of 40-50 percent for the 1970's and 1980's cohorts and 50-60 percent for the 1990's cohorts. Mexican LPRs were the least likely to naturalize within 10 years, with approximate rates of 5-10 percent for the 1970's through mid-1980's cohorts and 15-30 percent for the more recent cohorts. Although Mexican LPRs were least likely to naturalize within ten years, they also exhibited the greatest relative increase in rates between the earliest and latest cohorts.

Figure 3.

Naturalization Rates for 1973-1995 LPR Cohorts within 10 Years of Obtaining LPR Status by Region of Birth

Percent of Total



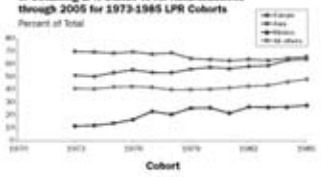
Source: U.S. Department of Homeland Security.

The comparison of 10-year naturalization rates to cumulative rates reveals that Mexican LPRs were slower to naturalize than European or Asian LPRs (see Figure 4). For the 1973 through mid-1980's cohorts, the proportion of LPRs naturalizing within 10 years of obtaining LPR status out of all those naturalizing by the end of 2005 was approximately 10-30 percent for Mexicans, 50-65 percent for Europeans, and 65-70 percent for Asians.

Figure 4.

Ratios of Naturalizations within 10 years of Obtaining LPR Status to All Naturalizations through 2005 for 1973-1985 LPR Cohorts

Percent of Total



Source: U.S. Department of Homeland Security.

CONCLUSION

The timing of naturalization has changed among cohorts of immigrants who obtained LPR status between 1973 and 1995. Recent immigrants, regardless of region of origin, were more likely to naturalize within 10 years of obtaining LPR status than earlier cohorts. These findings suggest that the cumulative lifetime naturalization rates of recent LPRs may exceed those of earlier cohorts as well. Future analysis will examine the upper bound on lifetime cumulative naturalization rates taking into account emigration and mortality.

SUGGESTED READINGS

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Rytina, Nancy, 2002. "IRCA Legalization Effects: Lawful Permanent Residence and Naturalization through 2001," Office of Policy and Planning, Statistics Division, U.S. Immigration and Naturalization Service, http://www.dhs.gov/xlibrary/assets/statistics/publications/irca01144int.pdf

U.S. Citizenship and Immigration Services, 2007. "A Guide to Naturalization," http://www.uscis.gov/files/article/M-476.pdf

FOR MORE INFORMATION

Visit the Office of Immigration Statistics web page at http://www.dhs.gov/immigrationstatistics

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SEIU Lays Out Measures Needed to Reduce USCIS Naturalization Backlog before House Judiciary Subcommittee

January 17, 2008

Testimony of Eliseo Medina, Executive Vice President
Service Employees International Union (SEIU)

The Service Employees International Union (SEIU), on behalf of its more than 1.9 million members, thanks the U.S House of Representatives Subcommittee on Citizenship, Refugees, Border Security and International Law for holding this hearing. The United States Citizenship and Immigration Services (USCIS) processing backlog is of great concern to SEIU's membership and SEIU takes great interest in the department's overall need for restructuring to meet our country's real immigration and naturalization processing demands.

SEIU is the fastest-growing union in North America. Focused on uniting workers in three sectors to improve their lives and the services they provide, SEIU is the largest healthcare union, representing workers in hospitals, nursing homes, and home care; the largest property services union, with workers who provide building maintenance, cleaning services and security; and the second largest public employee union.

SEIU is also the nation's largest union of immigrants. Our diverse membership includes honest and hard-working people from all over the world who have come to the United States just as generations have done: in the hopes of securing the American Dream for their family. Many have struggled and sacrificed and studied and saved all with the goal of coming to America, working hard, and becoming citizens of this great nation. It is through their experience that SEIU understands first-hand the value of U.S. citizenship and the important role our government must play in helping to integrate hard-working, legal permanent immigrants into the U.S. mainstream.

A Surge in 2007 Applications

Citizenship programs are a critical part of SEIU member service programs as we work to provide our immigrant members with more opportunities, a greater sense of belonging, and full rights to participate in U.S. civic life.

The SEIU Healthcare East Citizenship Program, for example, has served more than 7,000 people in the process of naturalization and related benefits. The program averages more than 1,000 member participants each year. Applicants are offered free legal assistance and educational support—including assistance with application preparation and support reviewing and filing forms N-400, N-600, I-90, N-565, N-648, AR-11 and FOIAs. Similar programs are managed by other

Since January, 2007, SEIU has participated in the national citizenship campaign, *ya es hora !ciudadania!* (Citizenship! It's time). This unprecedented partnership between major Spanish language media *Univision, Entravision,* and *ImpreMedia,* and more than 400 local unions and community-based organizations, has helped contribute to the record increase in U.S. citizenship application submitted in 2007.

The *ya es hora* citizenship campaign also helped hundreds of thousands of eligible immigrants apply for citizenship before the July 30 fee hike increased the cost from $450 to $675. As a result of the citizenship drives and public service announcement leading up to the fee increase, USCIS received approximately 700,000 applications from June 1 through July 30, 2007—more than the total number received in 2006.[1]

These citizenship programs, fueled by the rancorous tone of this past spring's immigration debate and the exorbitant July 30 application fee increase, have all contribnted to the reported 1.4 million citizenship applications received by the USCIS from January through December, 2007.[2] This number nearly doubles the total number of applications received in 2006, and surpasses annual totals received over the past decade.

The USCIS Naturalization Backlog and "Front Log"
Unfortunately, long processing delays at USCIS are now threatening to prevent thousands of 2007 applicants from naturalizing in time to participate in the November elections.

By the count of SEIU Healthcare East, more than 500 of their applicants are trapped in the backlog. Many have waited long past Congress-directed policy of six months for USCIS to process their applications (8 U.S.C. §1571b), and some of these applicants have not even received verification that their application has been received.

National numbers reflect similar problems. Of the estimated 1.4 million naturalization applications received from January through December, 2007, only 659, 237 have been approved, compared to 702,663 in fiscal year 2006.[3] Thousands more are currently stuck in the "front log", which means that their applications sit in unopened storage carriers and have not yet been entered into the system. And, according to public announcements made by USCIS in late November, an estimated 600,000 more await a 16-18 month processing backlog, which will prevent them from participating in 2008 Elections.[4]

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[1] USCIS published data for FY 2007, available at http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=a7ad4ac040710110VgnVCM1000000ecd190aRCRD&vgnextchannel=2c039c7755cb9010VgnVCM10000045f3d6a1RCRD (accessed January 15, 2008).

[2] The number of naturalization applications received from January through December, 2007 comes from USCIS public statements, available at http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=189cf48f424661 10VgnVCM100000471819 0aRCRD (accessed January 15, 2008).

[3] Ibid. According to USCIS published data for FY 2007, the department received $1,132,073 citizenship applications, which represents a 55% increase over FY 2006.

[4] Ibid.

A Need for Fundamental Overhaul

SEIU feels strongly that these processing delays could have been anticipated and prevented. Today's processing "front log" and backlog are examples of the kind of poor planning, miscalculation, and understaffing that have plagued this Department since its inception in 2001—and in its previous incarnation as the Immigration and Naturalization Services (INS). USCIS management has known for a long time about its funding limitations, staffing shortages, and inadequate services, yet it has repeatedly failed to address these problems.

As the debate over undocumented immigration in this country intensifies, there has never been a more important time to shore up the services that we provide to those legal permanent residents who have played by the rules—waited patiently in line, paid their taxes, and contributed greatly to their local communities. We believe that just as easily as today's processing delays could have been prevented, they can also be fixed.

Steps to Eliminate the Backlog and Improve USCIS Services

FBI Clearances: According to the *2007 Citizenship and Immigration Services Ombudsman Report*, name checks "significantly delay adjudication of immigration benefits for many customers, hinder backlog reductions efforts, and may not achieve their intended security objectives."[5] All applicants for citizenship and individuals applying for jobs at USCIS are required to go through a name check and FBI fingerprint and IBIS (criminal background) checks.

There are currently at least 300,000 citizenship applications awaiting an FBI name check. Of these, two-thirds have been held up over 90 days and one-third for over one year. Under USCIS policy, no citizenship interviews are scheduled until after the FBI check is complete. As long as the FBI check creates a bottleneck in the processing of applications, devoting additional resources to processing applications will not eliminate the backlog.

We believe that the name check requirement was not lawfully implemented under the Administrative Procedures Act because the agency failed to conduct notice and comment before name checks were implemented as part of the process. We fail to see why the name checks, which are not required by statute, are necessary in addition to the FBI fingerprinting and criminal background checks, which are statutorily required. The fingerprint and criminal background checks take a short time to complete. With name checks, FBI records are scoured not just for suspected criminals but for any match. Thus, a victim of or witness to a crime, or even someone with the same name, are equally likely to turn up in a name check, resulting in a delay.

The name check is not necessary for national security. And if it were necessary, there would be even more reason to expedite the process since the people who are being checked are already in the United States and free to move around the country. However, we believe that name checks in addition to fingerprinting and criminal background checks serve no national security purpose. Since the name check policy was implemented, we are not aware of any evidence that suggests

[5] Citizenship and Immigration Services Ombudsman Annual Report 2007 (hereinafter "2007 Report"), at 37 (June 11, 2007), available at www.dhs.gov/cisombudsman (accessed January 15, 2008).

that name checks have identified a single person who has committed a crime that the fingerprint and/or criminal background checks missed.

- Therefore, SEIU believes that the requirement of a name check (which is not required by IRCA) should be eliminated and that this would greatly help in clearing the backlog of citizenship applications. If the name check is retained, then the FBI should be given additional resources so that it can quickly complete the name checks.

Additional Adjudicators: USCIS has opened an additional 1,500 positions and intends to open up an additional 300 to 1000 positions to meet current staffing shortages. However, the hiring process takes time and all new workers need to be trained. There are additional steps that could be taken to generate additional worker resources for expediting the processing of applications:

- Annuitants: SEIU applauds USCIS's recent announcement that they will hire 704 retirees, 469 of whom are adjudicators.[6] To be of any value before the November elections, this hiring back of retirees will have to move quickly.

- Internal Recruitment: USCIS currently hires immigration officers only from outside candidates. This requires more time for recruitment, job interviews, reference checks and training. The American Federation of Government Employees (AFGE) says that there are people in lower job classifications who could be promoted to the position of Adjudicator and who are already familiar with the citizenship adjudication process. If USCIS prepared an intensive training to help current USCIS employees become adjudicators, it would increase staff resources in a short period of time.

- Overtime: The existing staff could be given the opportunity to work overtime on a voluntary basis. If workers could telecommute for their overtime, this would increase the number of current Adjudicators who would want to work overtime. The agency has been budgeted for so much overtime per year and so many telecommuting hours. USCIS could use their year's allotment in the first half of the year and/or they could be given an additional allotment for overtime and telecommuting hours by either DHS or a special appropriation from Congress.

- Temporary Transfers: Other federal workers from within DHS (such as asylum officers) or other federal workers could be transferred to work temporarily in the USCIS service centers.

- More Efficient Use of Current Staff: Some administrative tasks currently performed by Adjudicators (e.g. administering civics test, asking routine questions on the N-400) could be performed by clerical staff, thereby freeing up the Adjudicators to handle more cases. There are a number of "term" employees who could be made permanent employees.

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[6] On January 11, USCIS Director Emilio Gonzalez announced that he would support legislation written by Senator Schumer that would amend current law to grant the Homeland Security Secretary the authority to temporarily hire back retired government workers without having to forfeit their pensions and other retirement benefits.

- Expedite Hiring and Training of New Adjudicators: Currently this process, including the necessary background checks, can take more than six months. The agency must work with the FBI and the Federal hiring recruitment offices to expedite the hiring and training of new Adjudicators.

Space: USCIS claims that it needs more space to conduct interviews with applicants. Presumably, as the agency staffs up, this will become a greater problem. The agency could use space in other public buildings, including state and local buildings, to do these interviews. However, to do this under current legislation and DHS policy, they have to follow the cumbersome "gift acceptance" rules.

- USCIS should temporarily resolve part of the space problem by scheduling a second shift outside of normal working hours.
- USCIS should allow workers to telecommute in order to open up more space in the existing USCIS offices for interviews.
- Finally, Congress should simplify "gift acceptance" rules to expedite the process of borrowing federal and local government buildings to conduct interviews.

Additional Money for USCIS and the FBI: SEIU believes strongly that USCIS should *not* be funded solely by application fees, but should receive additional money appropriated by Congress. Indeed, in 2000, Congress directed that backlogs in citizenship applications must be eliminated, and Congress appropriated whatever funds were necessary to do that (8 U.S.C. §1573.) The services performed by USCIS and the FBI offer a public benefit to the entire nation—especially within the context of a post 9/11 world. Individuals eligible to naturalize are lawful permanent residents working and paying taxes. They already contribute to the United States economy, share the same tax responsibilities as Untied States citizens, and already pay their share for the operation of government services.

If we continue the current budgeting fee structure, citizenship will become an impossible goal for millions of eligible immigrants. It will create additional societal divisions and block efforts to integrate new Americans—a policy that the current administration has identified as a major priority.

Many of the aforementioned proposals would require additional funds for USCIS. Likewise, the FBI may need additional funds to speed up its name checks. Neither cost should be shouldered solely on the backs of the hard working immigrants who apply. The governmental function of bestowing citizenship is extremely important to the country as a whole and should not be dependent solely on fee revenue.

- Congress should initiate a supplemental appropriation to provide additional funds to the USCIS and the FBI for the purpose of eliminating the unacceptable backlog in applications.

Conclusion

Today's hearing seeks to ensure that the gatekeepers to granting U.S. citizenship—one of the most highly prized honors in the world—receive the proper direction, resources, and oversight necessary to do their jobs well.

This past year's historic surge in citizenship applications should be seen as a victory for all Americans. It's this kind of patriotism exhibited by new Americans and commitment to our shared civic responsibilities that help our country to thrive. As such, we should not allow this success to be clouded by misguided priorities, federal mismanagement, or a failure of leadership. Our country should be building bridges, not walls, to integration into mainstream U.S. civic life. And, as we approach one of the most important election seasons in our country's recent history, it would be a shame if bureaucratic negligence and the Department of Homeland Security's poor planning prevented the hundreds of thousands of 2007 citizenship applicants from voting in 2008.

On behalf of SEIU's 1.9 million members and the millions of eligible U.S. immigrants who have played by the rules and waited patiently for their chance to naturalize, we urge this body to act quickly to restore order and efficiency to USCIS. We need to hold USCIS accountable so that it provides cutting-edge service at a fair cost. And we need to fix this "front log" and backlog so that everyone has an opportunity to reach the dream of U.S. citizenship and participate in our civic process in 2008.

# # #

With 1.9 million members, SEIU is the fastest-growing union in North America. Focused on uniting workers in three sectors to improve their lives and the services they provide, SEIU is the largest health care union, including hospitals, nursing homes, and home care; the largest property services union, including building cleaning and security; and the second largest public employee union.

January 17, 2008

Dr. Emilio Gonzalez
Director, US Citizenship and Immigration Services
20 Massachusetts Avenue NW
Washington DC 20536

Dear Dr. Gonzalez:

The undersigned organizations are writing to you because we are deeply concerned about the current delays in naturalization processing.

The delays stem from last summer's surge in applications for citizenship and other immigration benefits. Immigrants had already begun applying for citizenship in much higher numbers throughout 2006, moved by a desire to become full members of our body politic and commit to their new home country. The fee increases announced in early 2007 provided even more motivation for these immigrants to not delay their applications any further.

Many of the undersigned organizations opposed fee increases of the magnitude that USCIS proposed and warned that if USCIS were to proceed with the fee increases, it must prepare for a surge in applications from immigrants wishing to avoid the fee increases. In fact, USCIS did move forward with the fee increases, but did not adequately prepare to handle such a surge.

Yet the surge happened, causing worsened delays. USCIS has stated that processing delays for citizenship applications could hit 18 months. Indeed, many applicants who filed before the fee increase have already had to wait four to five months just to get a receipt from USCIS. By the end of December, USICS had not finalized plans for handling the backlog created last July.

Meanwhile, USCIS still appears to have no plan to address the thousands of applications that are still delayed due to name-check clearances. Approximately 150,000 citizenship applicants have waited more than six months, if not years, for their names to clear the FBI name-check process. These delays have hit several populations particularly hard; Arab and Muslim immigrants are disproportionately affected.

The processing backlogs and name check delays are preventing hardworking, patriotic immigrants from becoming full members of our nation. Specifically, these delays will disenfranchise thousands of immigrants who, applying more than a year prior to the upcoming Presidential election, had fully expected to be able to vote in this election. If USCIS does not

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address the delays, these immigrants will not yet be citizens and will not be able to vote in the November election.

We urge you to take whatever measures may be necessary to alleviate the current backlogs and to ensure that the naturalization applications for these immigrants are promptly processed so that they may become citizens. Our nation should be doing whatever it can to enable legal immigrants to join the American community. Poor planning and bureaucratic delays should not bar the door to the American Dream. Thank you for your consideration.

Sincerely

1. Illinois Coalition for Immigrant and Refugee Rights (ICIRR)

National organizations

2. Asian American Justice Center
3. Hebrew Immigrant Aid Society
4. American Immigration Lawyers Association
5. Immigrant Legal Resource Center (ILRC)
6. International Immigrants Foundation
7. Coalition for Comprehensive Immigration Reform
8. National Immigration Forum
9. Asian Law Alliance
10. Asian Law Caucus
11. Dumaraonan USA
12. Irish Lobby for Immigration Reform
13. Irish Apostolate USA
14. National Council of La Raza
15. United Methodist Church, General Board of Church and Society
16. National Advocacy Center of the Sisters of the Good Shepherd
17. Unitarian Universalist Association of Congregations
18. Church World Service, Immigration and Refugee Program
19. Interfaith Worker Justice
20. South Asian American Leaders of Tomorrow (SAALT)
21. American Friends Service Committee
22. Lutheran Immigration and Refugee Service
23. Center for Community Change
24. Fair Immigration Reform Movement (FIRM)
25. Union for Reform Judaism
26. U.S. Committee for Refugees and Immigrants
27. Service Employees International Union (SEIU)
28. National Immigration Law Center
29. National Immigrant Justice Center
30. American Jewish Committee
31. Gamaliel Foundation
32. Change to Win

State/regional organizations

33. Nebraska Appleseed Center for Law in the Public Interest
34. Idaho Community Action Network
35. CAUSA (Oregon)
36. CASA of Maryland
37. New Jersey Immigration Policy Network (NJIPN)
38. Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA)
39. Maine People's Alliance
40. New York Immigration Coalition
41. Pennsylvania Council of Churches
42. Northwest Immigrant Rights Project
43. Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
44. Hate Free Zone (Seattle WA)
45. Voces de la Frontera (Milwaukee WI)
46. Students United for Immigrant Rights (Racine WI)
47. Northwest Federation of Community Organizations (Seattle WA)
48. Washington Community Action Network
49. Georgia Association of Latino Elected Officials (GALEO)
50. Tennessee Immigrant and Refugee Rights Coalition (TIRRC)
51. American Civil Liberties Union of Southern California
52. ISAIAH - Gamaliel (Minnesota)
53. WISDOM – Gamaliel (Wisconsin)
54. Metropolitan Congregations United – Gamaliel (Missouri)
55. Transforming Action Through Power (TAP) – Gamaliel (Indiana)
56. Gamaliel of Michigan
57. UACT – Gamaliel (Connecticut)
58. Project IRENE (Illinois)

Local organizations

59. Centro de Amistad, Guadalupe AZ
60. Chicago Irish Immigrant Support, Chicago IL
61. Rock Valley College Refugee and Immigrant Services, Rockford IL
62. Erie Neighborhood House, Chicago IL
63. South Texas Immigration Council Inc., Brownsville, Texas
64. Immigrant Information Center, Jamaica Plain, MA
65. Logan Square Neighborhood Association, Chicago IL
66. Eirene Immigration Center, Camden NJ
67. Asbury United Methodist Church, Camden NJ
68. Tu Amigo Community Center, Camden NJ
69. La Mesa Del Pueblo Food Ministry, Camden NJ
70. The Resurrection Project, Chicago IL
71. Southwest Organizing Project, Chicago IL
72. Casa de Esperanza, Bound Brook NJ
73. Franciscan Order of Sacred Heart JPIC Office, Chicago IL
74. Jr's Roofing and Framing, Shelbyville TN
75. Law Office of Emily Love, P.C., Evanston IL

76. World Relief Chicago, Chicago IL
77. African Resource Center, Washington DC
78. Jewish Community Action, St. Paul, MN
79. Chinese Mutual Aid Association, Chicago IL
80. Scott D. Pollock & Associates, P.C., Chicago IL
81. Interfaith Legal Services for Immigrants, St. Louis MO
82. Digna Ochoa Center for Immigration Legal Assistance, Columbia, SC
83. Refugee Immigration Project, Jacksonville Area Legal Aid, Jacksonville FL
84. Law Office Of Brigit G. Alvarez, Los Angeles CA
85. Hebrew Immigrant Aid Society Chicago (HIAS Chicago), Chicago IL
86. Office of Nancy M. Vizer, P.C., Chicago IL
87. AzulaySeiden Law Group, Chicago IL
88. South-East Asia Center, Chicago IL
89. Bonilla Community Services, Matthews, NC
90. Law Office of Eleanor Kaplan Adams, San Diego CA
91. Interfaith Refugee and Immigration Ministries, Chicago IL
92. Ebere N. Ekechukwu & Associates, P.C., Chicago IL
93. Dominican Literacy Center, Aurora, IL
94. Law Offices of Scott E. Bellgrau, P.C., Bensenville IL
95. Amigos Center, Fort Myers FL
96. Erwin, Martinkus & Cole, Ltd., Champaign IL
97. Law Office of Judith Michaels Morrow, San Francisco CA
98. Alaska Immigration Law Offices, Anchorage AK
99. Law Office of Mary O'Leary, Evanston IL
100. Community Legal Services, East Palo Alto CA
101. Hudson | May, LLC, Salem OR
102. Centro Legal De La Raza, Oakland CA
103. Immigrant Legal Advocacy Project, Portland ME
104. Law Offices of Ashley Mammo, P.C., West Bloomfield MI
105. Law Offices of Jesiros D. Bautista, Oakland CA
106. East Bay Community Law Center, Berkeley CA
107. Kathleen M. Weber Law Office, Seattle WA
108. Law Office of Maura B. Petersen, Santa Cruz CA
109. International Institute of the Bay Area, San Francisco CA
110. International Center of Greater Cincinnati (OH)
111. Youth Service Bureau of the Illinois Valley, Ottawa IL
112. Centro Latino Cuzcatlan, San Pablo CA
113. Latin American Coalition, Charlotte NC
114. Hanul Family Alliance, Chicago IL
115. East Central Illinois Refugee Mutual Assistance Center, Urbana IL
116. Maxwell Street Legal Clinic, Lexington, KY
117. Dady Law Office, Rockford IL
118. Jewish Child and Family Services, Chicago IL
119. Advocates for Basic Legal Equality, Inc., Toledo OH
120. Berzon and Associates, Chicago IL
121. Catholic Charities, Archdiocese of Chicago

122. Jewish Federation of Metropolitan Chicago
123. Latino Law Student Association, DePaul University, Chicago IL
124. Filipinos for Affirmative Action, Oakland CA
125. Conexion Americas, Nashville, TN
126. Rights for All People, Denver CO
127. Social Justice Group of St. Anthony of Padua Parish, Hightstown, NJ
128. Law Office of Kevin Dixler, Chicago IL
129. St. Brigid's Casa Mary Johanna, Westbury NY
130. Centro Romero, Chicago IL
131. Law Offices of George L. Young, APC, San Marino CA
132. Chicagoland Coalition for Civil Liberties and Rights, Chicago IL
133. Centro Hispano of Dane County, Madison WI
134. Alpha International American Immigrant, Seattle WA
135. Catholic Charities Immigration Services, Santa Rosa CA
136. Asian Pacific American Legal Center of Southern California, Los Angeles CA
137. International Friendship Center, Highlands NC
138. Center for New Americans, Northampton MA
139. Instituto del Progreso Latino, Chicago IL
140. Lutheran Children and Family Service, Philadelphia PA
141. Council on American Islamic Relation – Chicago Chapter (CAIR Chicago), Chicago IL
142. IRIS Integrated Refugee & Immigration Services, New Haven CT
143. Immigration Law Offices of Mahoney & Tomlinson, Sacramento CA
144. Gamaliel of Metro Chicago, Chicago IL
145. Pilsen Neighbors Community Council, Chicago IL
146. South Suburban Action Conference, Chicago IL
147. United Congregations of Metro-East, Madison IL
148. Quad Cities Interfaith, Rock Island IL
149. Justice Overcoming Boundaries, San Diego CA
150. Pittsburgh Interfaith Impact Network – Gamaliel, Pittsburgh PA
151. CAUSE, Oxnard CA
152. AMOS – Gamaliel, Cincinnati OH
153. NOAH – Gamaliel, Cleveland OH
154. ACTS – Gamaliel (Ohio)
155. MOSES – Gamaliel, Detroit MI
156. ISAAC – Gamaliel, Kalamazoo MI
157. EZEKIEL – Gamaliel, Grand Rapids MI
158. ARISE – Gamaliel, Albany NY
159. VOICE – Gamaliel, Buffalo NY
160. ACTS – Gamaliel, Syracuse NY
161. NOAH Niagara– Gamaliel, Buffalo NY
162. ABLE – Gamaliel, Atlanta GA
163. MICAH – Gamaliel, Milwaukee WI
164. ESTHER – Gamaliel, Waukesha WI
165. RIC – Gamaliel, Racine WI
166. East Boston Ecumenical Community Council (EBECC), Boston MA
167. Community Refugee & Immigration Services, Columbus, Ohio

168. Interfaith Leadership Project of Cicero, Berwyn and Stickney (IL)
169. The Immigration Project, Granite City IL

Individuals

170. Dr. Rogelio Reyes, San Diego State University, San Diego CA
171. Patrick Corr, immigration instructor, Pittsburgh PA
172. Pete Cerneka, Lebanon IL
173. Jeff Jennett, citizenship instructor, Highland Park IL
174. Victoria Palacios
175. Vaishali Mamgain, University of Southern Maine, Portland ME
176. Julie Turner-Lloveras, attorney, Sacramento CA
177. Lynne Weintraub, citizenship educator, Amherst MA
178. Alicia Armstrong, immigration paralegal, New York NY
179. Sarahid Rivera, legal advocate, Napa CA
180. Miguel Angel Castanon, Napa CA
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185. Mary B. Godfrey, LMSW, Grand Rapids MI
186. Jillian Kong-Sivert, Esq., Scottsdale AZ
187. Rosa Mendosa, Muscatine IA

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