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Committee on the Judiciary
Subcommittee on Immigration, Citizenship,
Refugees, Border Security, and International Law

Hearing on Naturalization Delays:
Causes, Consequences, and Solutions

Testimony of

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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.