

Behind the Naturalization Backlog: Causes, Context, and Concerns

Executive Summary

The processing time for naturalization applications has risen dramatically, from just under seven months to 18 months, as the federal government has struggled to cope with a surge in applications driven in part by a substantial fee increase that took effect on July 30, 2007. The result was pronounced: More than 460,000 people filed naturalization applications in July 2007 — a sevenfold increase over the same period a year earlier. And, during fiscal year (FY) 2007, nearly 1.4 million naturalization applications were filed, almost twice as many as during the previous year.

Data given in February to the Migration Policy Institute by the US Citizenship and Immigration Services (USCIS) press office reflects an even higher monthly application rate during spring and summer 2007 than figures previously released by the agency.

By the end of December 2007, USCIS had nearly 1 million naturalization cases that were pending adjudication.

Beyond the fee increase for naturalization applications, government experts and immigrant advocates cite other causes for the so-called summer surge experienced in 2007: Heightened interest in the 2008 elections, citizenship campaigns by advocacy groups, and the charged political climate surrounding the immigration policy debate.

What is the extent of the backlog, and what caused it? Using the updated data obtained from USCIS, this fact sheet discusses the causes of the naturalization application backlog, the scope of the problem, and the concerns that have been raised.

Introduction

Naturalization, the process of becoming a US citizen, is often viewed as the final step in enabling immigrants to fully participate in US civic and political life. Naturalized US citizens are entitled to nearly all of the same rights and privileges as native-born US citizens, including eligibility for US passports and US consular protection abroad, opportunities for federal jobs, and the right to vote in federal elections. With the 2008 elections on the horizon, and a highly polarized political atmosphere surrounding the immigration debate, many immigrants and immigrant advocacy groups now see naturalization as especially valuable.

In November 2007, US Citizenship and Immigration Services (USCIS) announced that, due to the receipt of an unprecedented number of naturalization applications during the summer of 2007, the average processing time for naturalization applications had increased from just under seven months to about 18 months. This announcement drew harsh criticism from many immigrant advocates, who maintain that USCIS should have foreseen the increase in applications and better prepared for it.¹ The new waiting time will prevent most applicants who filed after June 2007 from gaining US citizenship in time to register and vote in November.

Increase in Applications in 2007

Throughout fiscal year (FY) 2007, USCIS received significantly more applications for naturalization than in prior fiscal years. In FY 2007, USCIS received 1,383,275 applications for naturalization, nearly twice as many applications as during FY 2006 (730,642), and 2.2 times the number received during FY 2005 (602,972) (see Figure 1).² In addition, for each month in FY 2007, USCIS received a larger number of naturalization applications than it had received during the same month a year earlier. The exceptions to this trend were August and September 2007, the months immediately following the USCIS fee increase for naturalization applications (see Table 1).

Both USCIS experts and immigrant advocates have stated that the overall increase in naturalization applications during FY 2007 was caused by a combination of factors. These factors include:

1. *Citizenship Campaigns.* Beginning in 2005, a number of immigrant advocacy groups across the country launched citizenship campaigns to mobilize immigrants to naturalize. Through initiatives like the Illinois Coalition for Immigrant and Refugee Rights' (ICIRR) *New Americans Initiative* and the National Association of Latino Elected and Appointed Officials' (NALEO) *Ya Es Hora: Ciudadania! (Citizenship: It's Time!)* campaign, community volunteers, immigrant advocates, and pro bono attorneys helped immigrants fill out naturalization forms and prepare for citizenship tests. Both advocates and the media have stated that these citizenship campaigns were partially responsible for the increased number of naturalization applications that USCIS received in 2006 and 2007.³

¹ See, for example, testimony of Arturo Vargas, Executive Director of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, before the House Judiciary Committee, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, *Naturalization Delays: Causes, Consequences, and Solutions*, 110th Cong., 2^d sess., January 17, 2008, <http://judiciary.house.gov/media/pdfs/Vargas080117.pdf>.

² US Citizenship and Immigration Services, "PAS December 2007 Final Data (Updated: February 4, 2008)."

³ See testimony of Fred Tsao, Policy Director, Illinois Coalition for Immigrant and Refugee Rights, before the House Judiciary Committee, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, *Naturalization Delays: Causes, Consequences, and Solutions*, 110th Cong., 2^d sess., January 17, 2008, <http://icirr.org/releases/tfredbacklog1.08.pdf>; also, testimony of Arturo Vargas, Executive Director of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, before the House Judiciary Committee, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, *Naturalization Delays: Causes, Consequences, and Solutions*, 110th Cong., 2^d sess., January 17, 2008, <http://judiciary.house.gov/media/pdfs/Vargas080117.pdf>. Also Miriam Jordan, "Univision Gives Citizenship Drive Unusual Lift." *The Wall Street Journal*, May 10, 2007.

2. *Charged Political Climate of the Immigration Debate.* Immigrant advocates have noted that the heated and often divisive debates over immigration reform and illegal immigration in 2006 and 2007 may have motivated increased numbers of permanent residents to become US citizens.⁴ In addition, USCIS experts and immigrant advocates believe immigrants perceive the upcoming election to be especially important because immigration reform is in play, encouraging unusually large numbers of permanent residents to seek naturalization in 2006 and 2007 in order to vote in November 2008.⁵
3. *Summer Surge Prior to Fee Increase.* Most significantly, in January 2007, USCIS proposed (and eventually adopted) a comprehensive fee-increase schedule that substantially increased the cost for filing naturalization applications, beginning July 30, 2007. Under the new fee schedule, the cost for naturalization (N-400) applications rose 80 percent, from \$330 to \$595.⁶ In testimony before Congress and in the final rule announcing the price hike, USCIS Director Emilio Gonzalez stated that the increase was necessary because USCIS operates as a fee-based agency.⁷ Since 1988, USCIS' predecessor agency, the Immigration and Naturalization Service (INS), and now USCIS has been authorized to fund immigration benefit adjudications through fees, although the agency also has received some direct appropriations of federal revenue.⁸

Immediately prior to the fee increase, USCIS naturalization receipts increased dramatically. In testimony before the House Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law on January 17, 2008, Gonzalez testified that the agency received 400,000 naturalization applications in July 2007, and that the agency was not prepared for this "350 percent increase in one month."⁹

The receipt of applications in July 2007 was even greater than the figures Gonzalez cited, according to updated 2007 data that USCIS provided to MPI.

⁴ Testimony of Arturo Vargas, Executive Director of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, before the House Judiciary Committee, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, *Naturalization Delays: Causes, Consequences, and Solutions*, 110th Cong., 2^d sess., January 17, 2008, <http://judiciary.house.gov/media/pdfs/Vargas080117.pdf>.

⁵ Ibid.

⁶ "Adjustment of Immigration and Naturalization Benefit Application and Petition Fee Schedule," Final Rule 8 C.F.R. Part 103. Docket No. USCIS 2006-0044, US Citizenship and Immigration Services, <http://www.uscis.gov/files/nativedocuments/FinalRule.pdf>.

⁷ Testimony of Emilio T. Gonzalez, Director of US Citizenship and Immigration Services, before the House Judiciary Committee, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, *Oversight Hearing on the Proposed Immigration Fee Increase*, 110th Cong., 1st sess., February 14, 2007, <http://judiciary.house.gov/media/pdfs/printers/110th/33313.pdf>.

⁸ Julia Gelatt and Margie McHugh, "Immigration Fee Increases in Context," Migration Policy Institute, February 2007, http://www.migrationpolicy.org/pubs/FS15_CitizenshipFees2007.pdf.

⁹ Testimony of Emilio T. Gonzalez, Director of US Citizenship and Immigration Services, before the House Judiciary Committee, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, *Naturalization Delays: Causes, Consequences, and Solutions*, 110th Cong., 2^d sess., January 17, 2008, http://www.uscis.gov/files/testimony/testimony_ETG_17jan08.pdf.

The latest figures show that USCIS received more than 460,000 applications for naturalization in July 2007 — a roughly 650 percent increase over the number of applications the agency received in July 2006 (see Table 1).

The updated month-by-month data further highlight the extent to which naturalization application receipts jumped just prior to the fee increase:

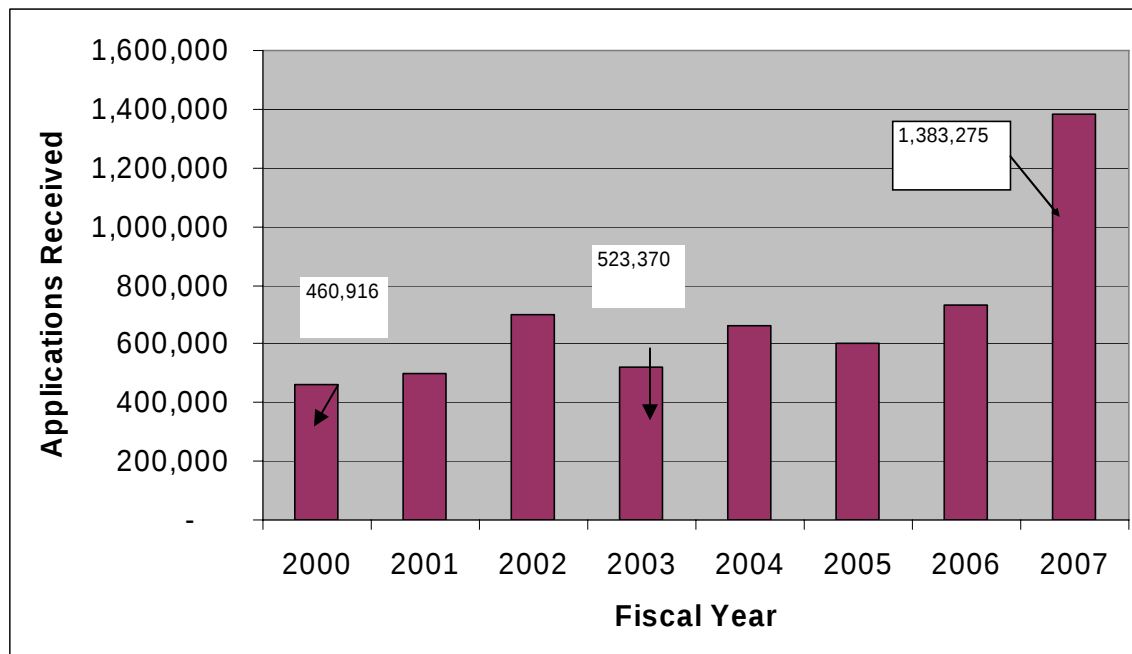
- o In April 2007, USCIS received 113,399 applications for naturalization, 71.72 percent more applications than the agency received during April 2006 (66,039) (see Table 1 and Figure 2).
- o In July 2007, the month immediately prior to the fee increase, USCIS received 460,294 applications for naturalization — more than 7 times the number of naturalization applications the agency received in July 2006 (61,665) (see Table 1 and Figure 2). In fact, USCIS received one-third of the total number of naturalization applications it received throughout FY 2007 during the month of July 2007 alone (see Table 1 and Figure 2).

Table 1. Naturalization Applications Received by Month, FY 2006 and FY 2007

Month	FY 2006	FY 2007	Percent Change
October	52,056	61,539	18.22%
November	46,104	64,642	40.21%
December	42,760	65,781	53.84%
January	53,390	95,620	79.10%
February	57,056	80,105	40.40%
March	74,943	120,802	61.19%
April	66,039	113,399	71.72%
May	74,583	124,689	67.18%
June	71,288	152,240	113.56%
July	61,665	460,294	646.44%
August	70,889	19,223	-72.88%
September	59,869	24,941	-58.34%
Total	730,642	1,383,275	89.32%

Source: United States Citizenship and Immigration Services (USCIS).

Figure 1. Total Number of Naturalization Applications Received by Year, FY 2000 to FY 2007



Source: United States Citizenship and Immigration Services (USCIS).

The Backlog

By the end of December 2007, nearly 1 million naturalization cases were pending.¹⁰ Gonzalez testified that there were a number of reasons for the agency's inability to cope with the increased number of naturalization applications it received, including insufficient staff to process the volume of applications and an outdated paper-based processing system.¹¹

In addition, the Federal Bureau of Investigation (FBI) name-check process, which is required for US citizenship applicants, can significantly delay application processing times. Unlike other name and background checks USCIS requires (for example, Interagency Border Inspection Systems (IBIS) name checks and Automated Biometric Identification System (IDENT) name checks), FBI name checks can take weeks or months as manual reviews of FBI files are sometimes required.¹² As of May 2007, USCIS reported that the agency had 329,160 FBI name-check cases pending.¹³ This number includes naturalization cases as well as cases for other types of immigration benefits.

In an effort to reduce its backlog of immigration benefits cases generally, USCIS announced in February 2008 that it would begin granting permanent residence to certain applicants whose

¹⁰ See n.1.

¹¹ See n.10.

¹² US Citizenship and Immigration Services Ombudsman, Annual Report to Congress, June 2007, http://www.dhs.gov/xlibrary/assets/CISOMB_Annual_Report_2007.pdf.

¹³ Ibid.

cases were otherwise complete, but who had been awaiting FBI clearance for more than six months.¹⁴ The agency has stated, however, that it will not be introducing a similar rule for citizenship applications.¹⁵

Efforts to Reduce the Backlog

In response to the naturalization backlog, USCIS added additional shifts for its employees and detailed existing staff to service centers that had a greater workload.¹⁶ In January 2008, the agency also announced plans to hire nearly 1,800 additional employees, and received permission from the federal Office of Personnel Management to rehire retired USCIS employees as well as retired INS employees.¹⁷

Criticism and USCIS Response

Immigrant advocacy organizations have criticized USCIS for not properly anticipating and preparing for the spike in applications during the summer of 2007.¹⁸ Gonzalez has maintained that, while USCIS anticipated some increase in naturalization applications, the agency could not have anticipated the extent of the summer surge. Gonzalez testified that, historically, the agency has seen an increase in naturalization application receipts prior to fee increases and presidential elections as well as during prior congressional immigration debates.¹⁹ However, Gonzalez said, “None of the past increases compare to the magnitude of the surge we experienced this summer.”²⁰ Between 2000 and 2006, for example, USCIS raised the fee for naturalization applications twice. Neither fee increase resulted in a rise in naturalization receipts that was nearly as large as that of the summer of 2007 (see Figure 2).

Several members of Congress, as well as immigrant advocates, have also pointed out that when USCIS first announced the fee increase, the agency promised that higher revenue would lead to *decreased* processing times for naturalization applications.

For example, when Gonzalez testified before Congress requesting the new fee schedule, he stated that it would reduce processing times for all immigration benefits, including naturalization.²¹ This claim was restated in the USCIS press release announcing the new fee schedule, which said that, following the fee increase, USCIS would be able to reduce processing times for naturalization cases by 20 percent by the end of FY 2009.²²

¹⁴ Marisa Taylor, “Permanent Residency Permits to Flow without All Background Checks,” *McClatchy-Tribune News Service*, February 10, 2008; Julia Preston, “Rules Eased to Expedite Green Card Applications,” *The New York Times*, February 12, 2008; Spencer Hsu, “US to Skirt Green Card Check,” *The Washington Post*, February 12, 2008.

¹⁵ *Ibid.*

¹⁶ See n.10.

¹⁷ *Ibid.*

¹⁸ See n.5.

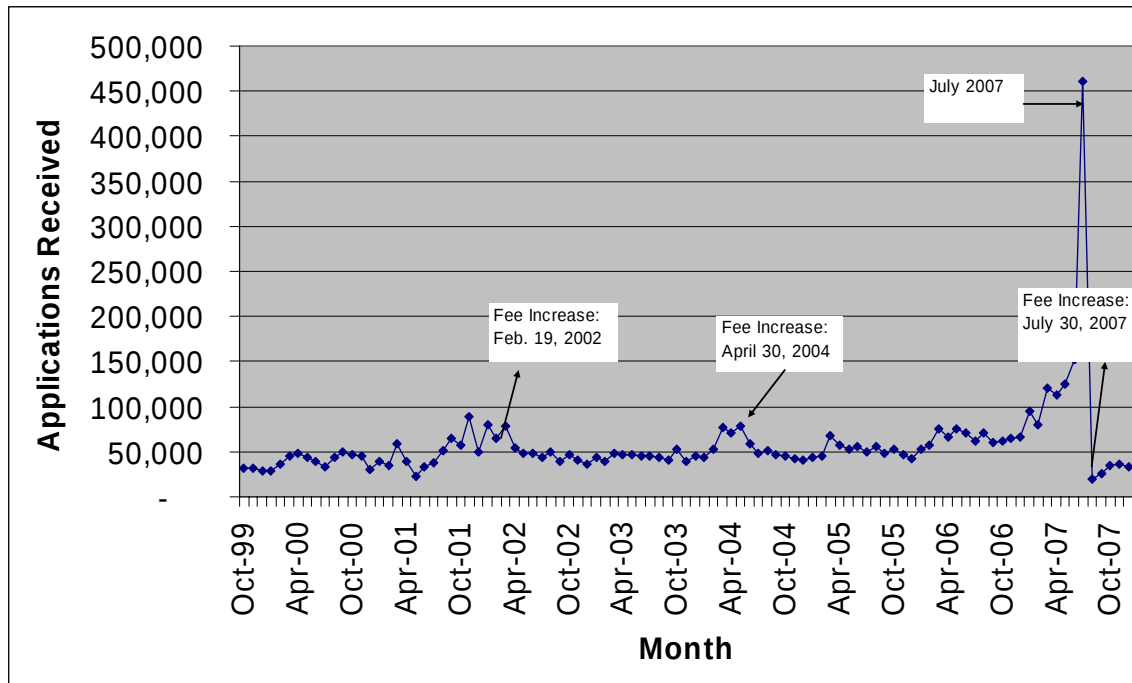
¹⁹ See n.10.

²⁰ *Ibid.*

²¹ See n.8.

²² “USCIS Sets Final Fee Schedule to Build an Immigration Service for the 21st Century,” US Citizenship and Immigration Services, Office of Communications, May 29, 2007, <http://www.uscis.gov/files/pressrelease/FinalFeeRulePressRelease052907.pdf>.

Figure 2. Naturalization Application Receipts by Month, FY 2000 to FY 2007



Source: United States Citizenship and Immigration Services (USCIS).

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