



A Rockier Road to U.S. Citizenship?

Findings of a Survey on Changing Naturalization Procedures

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Executive Summary

Although citizenship confers substantial benefits to immigrants and serves the receiving society by facilitating their integration, only about two-thirds of eligible immigrants have become U.S. citizens, leaving 9 million who are eligible to naturalize but have not done so. Naturalized citizens can vote, run for public office, access the full range of health and other public benefits, travel without visas to many other countries, and sponsor close relatives to immigrate.

Yet, immigrants may choose not to naturalize for a variety of reasons, including if they retain strong home-country ties or are intimidated by a lengthy process that includes English and civics tests. Some cannot afford it, as fees have gone up from \$35 to \$640 since 1985, with a proposed regulation to raise them further to as high as \$1,170 and restrict eligibility for fee waivers for low-income applicants scheduled to go into effect in September 2020. At the same time, increasingly strict adjudication of applications by U.S. Citizenship and Immigration Services (USCIS) may be delaying applications and deterring would-be applicants.

Changes to the mission statement on the USCIS website and statements by its leadership suggest that the agency has reoriented its focus from customer service to more intensive vetting and fraud detection. These shifts have narrowed officers' discretion, making them more likely to closely scrutinize minor details in applications and less willing to use their judgment in favor of applicants.

Increasingly strict adjudication of applications by U.S. Citizenship and Immigration Services (USCIS) may be delaying applications and deterring would-be applicants.

USCIS approves the lion's share of naturalization applications it receives, with approval rates ranging from 89 percent to 92 percent every year since fiscal year (FY) 2010. But the agency's average processing time has risen in recent years, up from six months in FY 2016 to ten months in FYs 2018 and 2019. While USCIS has received relatively high numbers of applications, other reasons for the growing backlog may include the agency's failure to transition from paper to electronic forms, diversion of adjudicators to other functions such as asylum determinations and newly required in-person interviews for some green cards, and changes to adjudication standards and procedures.

In 2020, the naturalization process ground to a halt due to the COVID-19 pandemic. USCIS suspended in-person interviews and oath ceremonies in March through May—affecting hundreds of thousands of applicants—with operations gradually reopening in June. The largely fee-funded agency is also facing a major budget shortfall that predates the pandemic but has been exacerbated by the halt in operations and, thus, incoming fees from applicants. Without emergency appropriations by Congress, this will likely result in a furlough of more than two-thirds of USCIS personnel starting in August, complicating the reopening process and potentially increasing the backlog of citizenship and other applications.

This report assesses recent USCIS changes in adjudication standards and procedures for citizenship applications based on a nationwide survey of naturalization assistance providers. Between March and

September 2019, the Immigrant Legal Resource Center (ILRC) administered a web survey to a diverse, nonpartisan network of more than 200 agencies in 34 metropolitan areas across the United States that participated in the New Americans Campaign (NAC). Led by ILRC, the NAC is a diverse nonpartisan national network of respected nonprofit organizations and private philanthropic funders working together that has helped about 470,000 lawful permanent residents and family members complete their citizenship applications. The survey asked respondents to reflect on changes since the beginning of the Trump administration (during the 18 to 24 months prior to the survey) that they observed in the naturalization process, the level of scrutiny applications were given, the behavior of USCIS adjudicating officers, and communication between USCIS and providers. This study is the product of Migration Policy Institute (MPI) analysis of data from this survey.

The survey asked NAC partner agencies a series of questions about changes at different stages in the naturalization process. Prior to the application interview, about one-quarter of respondents reported their clients missed their interviews when USCIS sent notices to incorrect addresses, sent them too late, or sent them to attorneys but not applicants. During interviews, about one-quarter of respondents stated that interviews had doubled in length from 20–30 minutes to 45–60 minutes; in three USCIS field offices, they exceeded 90 minutes. Slightly more than 10 percent of respondents recounted USCIS officers asking detailed questions that were not directly related to citizenship eligibility, and that they administered the English and civics tests differently, often more strictly. Nine partner agencies mentioned adjudicators calling back applicants for additional testing—with English assessed at the final naturalization oath ceremony in one case. Finally, more than one-third of NAC partner agencies reported USCIS more often issued requests for evidence (RFEs) to support applications, especially for documents related to tax compliance and income, continuous residency and physical presence, marriage and child support, and criminal history.

Almost one-quarter of NAC partner agencies reported that their clients invested considerable time requesting documents from U.S. state and local authorities, and from foreign governments in some cases, to respond to RFEs and questions during interviews. Such document requests may be important for the integrity of the naturalization process, but they also increase the burden on applicants and their attorneys, and presumably increase the workload of USCIS adjudicators and expand the application backlog.

The survey also included detailed questions about the aspects of citizenship eligibility that USCIS officers were scrutinizing more closely during interviews and through RFEs, including the following:

- ▶ **Proof of marriage and child support (reported by more than one-third of the 110 NAC partner agencies surveyed).** USCIS officers reportedly asked citizenship applicants more questions about

Among the naturalization service providers surveyed, about ...

1 in 4

said interviews had doubled in length

1 in 10

said USCIS officers were asking immigrants more questions not directly related to citizenship eligibility

1 in 3

said USCIS was issuing more requests for evidence to support applications

their underlying applications for permanent residence based on marriage and requested more proof in the form of joint tax returns, bank statements, insurance, and bills, and child support payments.

- ▶ **Physical presence and continuous U.S. residence (almost one-quarter of agencies).** Respondents reported cases in which USCIS officers questioned how applicants could afford to travel outside the United States if they were unemployed or received public benefits, whether they had traveled more than the maximum days allowed, and whether they had ever returned to their home countries. One provider cited three cases in which applicants were denied citizenship because they could not remember their exact travel dates.
- ▶ **English and civics tests (almost one-quarter of agencies).** Adjudicators also reportedly asked applicants more difficult question during their English tests, for instance asking them to define complex terms such as “communist,” “terrorism,” “genocide,” “oath of allegiance,” and “a non-U.S. resident on any local, state, or federal tax return.” In one case, an applicant who got nervous explaining this last item had to take the English test a second time.
- ▶ **Tax compliance and income (about one-fifth of agencies).** Adjudicators asked, for instance, for old tax returns, W-2 forms, tax documents from employers, and even for proof of fee payments for green-card applications when USCIS had no record of such payments. One applicant was denied for owing taxes even though the Internal Revenue Service had placed the account in “non-collectible” status.
- ▶ **Criminal history (about one-fifth of agencies).** USCIS has raised the standards applicants must meet to show they have the “good moral character” required for citizenship. Officers reportedly asked applicants to prove their good moral character by providing more details about minor criminal violations such as driving under the influence, speeding tickets, and parking tickets—including those occurring before the retrospective period required by statute. Notably, one survey respondent reported cases in which USCIS requested certified court dispositions for arrests that did not happen and for which there were no records.
- ▶ **Disability waivers for the English and civics test (about one-eighth of agencies).** Two providers reported more than 25 cases in which USCIS officers asked applicants who were cognitively impaired (e.g., with dementia) complex questions about their diagnoses, and then used their answers to deny waivers for the tests.
- ▶ **Refugee and asylum status (six of the 110 agencies).** Some respondents recounted cases in which USCIS officers questioned applicants about the refugee or asylum status they held when applying for their green cards, forcing them to describe traumatic events in detail, and causing some to struggle and break down when recounting these events.

Most of these changes were common among the 52 USCIS offices across the country covered by the survey. For example, cases of adjudicators giving more scrutiny to marriage and child support details reportedly occurred in more than half of these offices; continuous residence and criminal records in slightly less than half; and tax compliance and income in about one-third of the offices. Similarly, accounts of applicants having more difficulty passing the English and civics examinations were recorded for one-third of these USCIS offices, as were difficulties attaining waivers of these exams due to applicants’ disabilities. In other

words, these shifts in adjudication practice likely represent changes in USCIS policy or broad-based agency culture, rather than being limited to individual office or adjudicator practices.

Oversight of naturalization procedures is paramount to preserve the lawful claims of legal permanent residents to the full civic and political rights that citizenship brings, and to ensure that the country reserves citizenship for those who fully meet its requirements. Yet new obstacles may prevent some eligible immigrants from attaining citizenship. In FY 2019, when approvals reached the highest level in a decade, tracking a pattern of increasing applications, it took nearly twice as long to process a naturalization application as in FY 2016. And although processing times fell somewhat during the first half of FY 2020, the COVID-19-related suspension of naturalization interviews and oath ceremonies for much of Spring 2020 has again added to this backlog. As USCIS restarts its operations, it faces the prospect of having to furlough the majority of its staff, which may make it difficult to restore timely adjudication and thereby further increase the backlog. Even before the pandemic, however, the processing changes and difficulties described in this report had the potential to deter future applications and drive a substantial decline in the number of immigrants who become U.S. citizens.

1 Introduction

Citizenship confers substantial benefits to immigrants and U.S. communities. Aside from the symbolic benefit of gaining full membership in society, citizens can vote and run for public office, and they have full access to health coverage and other public benefits. They can sponsor close relatives for immigration to the United States and travel without visas to many countries around the world.¹ Citizens also earn more than noncitizens with similar characteristics, and their higher earnings yield greater economic activity and higher tax payments for the communities in which they live.²

Citizenship confers substantial benefits to immigrants and U.S. communities.

Despite these benefits, many immigrants do not become citizens. To be eligible for naturalization, immigrants must have lawful permanent resident (LPR) status (also known as a green card) for at least five years, or three years if married to a U.S. citizen.³ As of 2015, about two-thirds of immigrants who were eligible to become U.S. citizens had done so, leaving an estimated 9 million LPRs still eligible to naturalize.⁴

- 1 Madeleine Sumption and Sarah Flamm, *The Economic Value of Citizenship for Immigrants in the United States* (Washington, DC: Migration Policy Institute, 2012).
- 2 Sumption and Flamm, *The Economic Value of Citizenship*; Maria E. Enchautegui and Linda Giannarelli, *The Economic Impact of Naturalization on Immigrants and Cities* (Washington, DC: Urban Institute, 2012); Manuel Pastor and Justin Scoggins, *Citizen Gain: The Economic Benefits of Naturalization for Immigrants and the Economy* (Los Angeles: University of Southern California, Center for the Study of Immigrant Integration, 2012).
- 3 For a full list of naturalization requirements, see U.S. Citizenship and Immigration Services (USCIS), "Naturalization Information," accessed February 14, 2020.
- 4 Pew Research Center estimated the eligible-to-naturalize population at 9.3 million in 2015. See Ana Gonzalez-Barrera, *Mexican Lawful Immigrants among the Least Likely to Become U.S. Citizens* (Washington, DC: Pew Research Center, 2017). The U.S. Department of Homeland Security (DHS) estimated this population at 9.0 million in 2015. See Bryan Baker, *Population Estimates: Lawful Permanent Resident Population in the United States: January 2015* (Washington, DC: DHS Office of Immigration Statistics, 2019). University of Southern California estimated it at 8.97 million in 2016. See Thai V. Le et al., *Paths to Citizenship: Using Data to Understand and Promote Naturalization* (Los Angeles: University of Southern California, Center for the Study of Immigrant Integration, 2019).

Naturalization rates vary, with only 42 percent of eligible Mexican immigrants—the largest immigrant group in the country—having become citizens as of 2015.⁵ Half of the overall eligible immigrant population (about 4.5 million people) had been in the country for at least 15 years: three times the minimum residence required to become a citizen.⁶

Immigrants may opt not to seek U.S. citizenship for a range of reasons, including because they retain strong ties to their home countries or do not perceive that citizenship will offer them substantial benefits. Those who do seek to naturalize may face barriers, such as a lack of information about the process, insufficient financial resources, and fear of a lengthy and potentially intimidating process that includes tests of their English skills and U.S. civics knowledge.⁷ Since 1985, citizenship application fees have risen from \$35 to \$640, making them some of the highest in the world. And a rule proposed by U.S. Citizenship and Immigration Services (USCIS) that would raise fees to as high as \$1,170, while also restricting fee waivers that have made naturalization more affordable for low-income immigrants, is scheduled to go into effect in September 2020.⁸

Recognizing the benefits of citizenship for individuals and society more broadly, the public and private sectors have invested significant resources in helping immigrants overcome these barriers to becoming U.S. citizens. One example is the New Americans Campaign (NAC), a network of more than 200 naturalization service providers across the country led by the Immigrant Legal Resource Center (ILRC). The ILRC seeks to improve immigration law and policy, expand the capacity of legal service providers, and advance immigrant rights. The NAC is a diverse nonpartisan national network of respected nonprofit organizations and private philanthropic funders that transforms the way aspiring citizens navigate the path to becoming new Americans in order to achieve an increase in naturalization for eligible LPRs. The network is committed to connecting LPRs to trusted legal assistance and critical information that simplifies the naturalization process, and it has assisted about 470,000 LPRs and family members in completing citizenship applications since July 2011.⁹

This report investigates the bureaucratic hurdles that immigrants experience during the naturalization process. To do so, the Migration Policy Institute (MPI) analyzed a 2019 survey of 110 naturalization service providers in 34 metropolitan areas across the country that belong to the NAC. This analysis aims to shed

5 Gonzalez-Barrera, *Mexican Lawful Immigrants*.

6 Baker, *Population Estimates*.

7 A 2015 survey of Mexican green-card holders found the most common reasons for not naturalizing were inadequate English skills, insufficient time and motivation to undertake the process, and cost. See Gonzalez-Barrera, *Mexican Lawful Immigrants*. A comparison of naturalized and eligible-to-naturalize populations using the U.S. Census Bureau's American Community Survey data for 2012–16 found that immigrants with higher levels of income, English proficiency, and educational attainment were more likely to become U.S. citizens. See Le et al., *Paths to Citizenship*. For a general discussion of why some immigrants do not naturalize, see Sumption and Flamm, *The Economic Value of Citizenship*.

8 Boundless Immigration, "U.S. Government Narrows Eligibility for Immigration Fee Waivers," updated October 25, 2019; Christopher Ingraham, "The Cost to Become a U.S. Citizen Is Going up 61 Percent," *Washington Post*, November 13, 2019; USCIS, "U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements," *Federal Register* 84, no. 220 (November 14, 2019), 62280–371; USCIS, "U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements" (Rule No. 1615—AC18, Spring 2020).

9 New Americans Campaign (NAC), "About the New Americans Campaign," accessed February 14, 2020; NAC, "About Our Impact," accessed June 8, 2020.

light on how USCIS adjudication of citizenship applications has changed since President Trump took office in 2017.

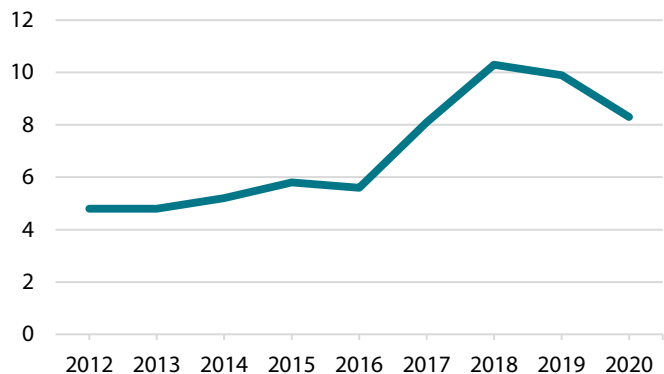
2 The Process of Becoming a U.S. Citizen: Trends and Policy Changes

For years, it took about five or six months on average for USCIS to adjudicate a citizenship application. The median processing time for the application form (known as N-400), along with associated interviews and subsequent information requests, jumped to about ten months in fiscal year (FY) 2018 and FY 2019, before dropping to slightly more than eight months during the first half of FY 2020 (i.e., October 2019 through March 2020; see Figure 1). As of February 2020, processing times varied widely across the USCIS field offices that handle these applications: from a median of 3.5 months in Cleveland to 15.5 months in Seattle.¹⁰ USCIS stopped holding in-person interviews in March, as the COVID-19 pandemic spread through the country, likely extending processing times substantially.

Explanations for the rise in processing times include the high numbers of naturalization applications in recent years, USCIS's failure to transition from paper to electronic forms, the diversion of N-400 adjudication staff to other functions, and changes in adjudication standards and procedures. Application numbers peaked in FY 2016 and FY 2017—at more than 950,000 annually—before falling back to slightly more than 800,000 in FY 2018 and FY 2019 (see Figure 2).¹¹

The slowdown in processing during FY 2016 and FY 2017 was related to USCIS's attempt to roll out new electronic N-400 forms at the same time as the number of new applications surged. Difficulties transforming the system from paper applications to an electronic database resulted in repetition of work and longer

FIGURE 1
Average Processing Time for Naturalization Applications (in months), FY 2013 through First Half of FY 2020

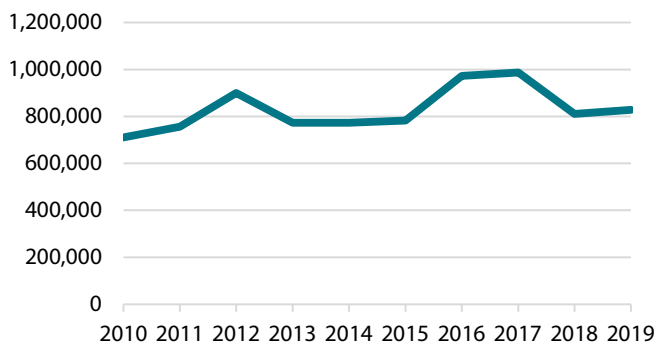


Notes: The FY 2020 average processing time is for October 2019 through March 2020. U.S. Citizenship and Immigration Services (USCIS) stopped in-person naturalization interviews in mid-March 2020 due to the COVID-19 pandemic.
Source: Data on N-400 form (application for naturalization) processing from USCIS, “[Historical National Average Processing Time \(in Months\) for All USCIS Offices for Select Forms by Fiscal Year](#),” updated April 2020.

¹⁰ USCIS, “[Check Case Processing Times](#),” accessed February 13, 2020.

¹¹ Note that these numbers were well below record highs that exceeded 1.4 million during fiscal year (FY) 1997 and 1.3 million during FY 2007. See DHS Office of Immigration Statistics, “[Naturalizations: Naturalizations 2012 Data Tables](#),” accessed February 19, 2020. During the first quarter of FY 2020 (October through December 2019), USCIS received 244,000 naturalization applications—which if annualized would represent nearly 1 million applications. See USCIS, “[Number of Form N-400, Application for Naturalization by Category of Naturalization, Case Status, and USCIS Field Office Location: October 1 - December 31, 2019](#)” (data table, USCIS, Washington, DC, February 2020).

FIGURE 2
Naturalization Applications Filed, FY 2010–19



Note: These numbers include military and nonmilitary naturalization applications.

Source: Migration Policy Institute (MPI) compilation of quarterly naturalization application data for FY 2010–19 from USCIS, “Immigration and Citizenship Data—Number of Form N-400, Application for Naturalization by Category of Naturalization, Case Status, and USCIS Field Office Location” (data tables for FY 2010 through FY 2019, USCIS, Washington, DC, accessed March 31, 2020).

adjudication times. USCIS ultimately abandoned the transformation process midway through.¹²

By July 2019, approximately \$3.1 billion had been spent on this abandoned effort, and most applications processed by the agency, including those for naturalization, remain paper based.¹³ Pending applications saw the sharpest increase during this period—from 363,000 in FY 2015 to 728,000 in FY 2017—but have since declined to 644,000 in FY 2019, indicating some progress in clearing the backlog.

Another factor that likely contributed to the rise in processing times was a policy change that may have diverted some adjudicators from naturalization processing. In May 2018, USCIS mandated in-person interviews for all immigrants applying to adjust their status from nonimmigrant or unauthorized to LPRs. Prior to this change,

most adjustments of status based on petitions by employers or fiancé(e)s were exempt from in-person interviews.¹⁴ With more adjudicators devoted to interviewing green-card applicants, fewer may be available for naturalization interviews. Additionally, when the number of asylum seekers crossing the U.S.-Mexico border increased sharply during FY 2018 through FY 2020, some adjudicators were reassigned from other tasks to asylum adjudications at the border.¹⁵

A 2019 independent study of naturalization processing in the Denver USCIS field office provides further insight into changes that were taking place during this period. It found that a rising backlog there was due to inadequate resources, insufficient flexibility in response to changes in the pace of applications, and policies and practices that increased the level of scrutiny given to applications.¹⁶ During FY 2016 through FY 2018, the Denver office, like other field offices, substantially underpredicted the number of applications it would receive, leading to staffing shortages. Predictions for FY 2019 were more accurate.¹⁷

Despite changes in processing times, however, approval rates have changed little, hovering near the 90-percent mark for the past several years. In the last quarter of FY 2019, USCIS approved 246,000

12 DHS Office of Inspector General (OIG), *USCIS Has Been Unsuccessful in Automating Naturalization Benefits Delivery* (Washington, DC: DHS, 2016); DHS Citizenship and Immigration Services Ombudsman, *Annual Report 2017* (Washington, DC: DHS, 2017); DHS Citizenship and Immigration Services Ombudsman, *Annual Report 2018* (Washington, DC: DHS, 2018); DHS Citizenship and Immigration Services Ombudsman, *Annual Report 2019* (Washington, DC: DHS, 2019).

13 DHS Citizenship and Immigration Services Ombudsman, *Annual Report 2019*, 63.

14 USCIS, “Adjustment of Status Interview Guidelines and Waiver Criteria” (policy alert, USCIS, Washington, DC, May 15, 2018).

15 The number of USCIS staff detailed from other assignments to border asylum applications was 81 in FY 2018, 193 in FY 2019, and 171 in FY 2020. There is no information about how many of these were detailed from naturalization duties. See USCIS Citizenship and Immigration Services Ombudsmen, *Annual Report 2020* (Washington, DC: DHS, 2020).

16 Colorado State Advisory Committee to the U.S. Commission on Civil Rights, *Citizenship Delayed: Civil Rights and Voting Rights Implications of the Backlog in Citizenship and Naturalization Applications* (Washington, DC: U.S. Commission on Civil Rights, 2019), 27.

17 Colorado State Advisory Committee to the U.S. Commission on Civil Rights, *Citizenship Delayed*, 31–32.

naturalization applications and denied 26,000, for an effective approval rate of 90 percent.¹⁸ Since FY 2010, the rate has ranged from 89 percent to 92 percent.¹⁹ Moreover, the total number of citizenship approvals increased from 708,000 in FY 2017 to 830,000 in FY 2019.²⁰

More lengthy processing of citizenship applications is nonetheless an important policy concern. Delays in naturalization can be costly for immigrants, put them at prolonged risk of deportation, inhibit their access to health care and other services, affect their psychological wellbeing, delay their ability to sponsor relatives to immigrate, reduce their economic contributions to the communities in which they live, and prevent them from becoming eligible to vote.

Recent USCIS Changes to Naturalization Processing

In February 2018, USCIS changed its mission statement by removing the words “nation of immigrants” and all references to immigrant applicants for the agency’s services as “customers.” Instead, the new mission statement focuses on “safeguarding the integrity” of the system while “protecting Americans” and “securing the homeland.”²¹ In a similar vein, Ken Cuccinelli, the Senior Official Performing the Duties of the Director of USCIS, declared in September 2019 that the agency must step up its vetting in what he described as an adjudication system rife with fraud, especially regarding green-card applications and certain visa programs.²²

In implementing its revised mission, the agency has increasingly focused on obtaining more details on applications for naturalization and immigration benefits, as well as more thorough checks for fraud. USCIS referred 22 percent more naturalization and other cases to its Fraud Detection and National Security Directorate in FY 2019 than in FY 2018.²³ Accordingly, USCIS has reallocated some resources from basic adjudication to fraud detection and investigations across its network of field offices.²⁴ Yet, studies have shown little to no evidence of naturalization fraud.²⁵

The naturalization process is already complex and thorough. In addition to having to accrue several years in LPR status before applying, immigrants must pass an oral and written test of their English skills and U.S.

18 See USCIS, “Number of Form N-400, Application for Naturalization by Category of Naturalization, Case Status, and USCIS Field Office Location: July 1 - September 30, 2019” (data table, USCIS, Washington, DC, November 2019).

19 DHS Office of Immigration Statistics, “Naturalizations—Naturalization 2018 Data Tables—Table 20: Petitions for Naturalization Filed, Persons Naturalized, and Petitions for Naturalization Denied: Fiscal Years 1907 to 2018” (data tables, DHS, Washington, DC, January 9, 2020).

20 USCIS, “USCIS Final FY 2019 Statistics Available,” updated January 16, 2020.

21 Carol Kuruville, “U.S. Immigration Agency Changes Mission Statement to Reflect ‘America First’ Agenda,” Huffington Post, February 27, 2018.

22 Comments by Ken Cuccinelli, former USCIS Acting Director, at the event “Immigration Challenges and Solutions,” hosted by the Center for Immigration Studies, Washington, DC, September 26, 2019.

23 USCIS, “Cuccinelli Announces USCIS’ FY 2019 Accomplishments and Efforts to Implement President Trump’s Goals” (news release, October 16, 2019).

24 Colorado State Advisory Committee to the U.S. Commission on Civil Rights, *Citizenship Delayed*, 34.

25 A review by the DHS OIG in 2016 found that some people USCIS granted citizenship did not have complete fingerprint records and therefore could have committed disqualifying crimes or submitted fraudulent applications; OIG, however, found no concrete evidence of fraud. See DHS OIG, *Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records* (Washington, DC: DHS, 2016).

civics knowledge, as well as checks of their identity, immigration history, and “moral character,” including any criminal history. The application itself is more than 20 pages long, with hundreds of questions.

The process may become more difficult with some recent proposed policy changes. In July 2019, USCIS announced that it was beginning a process to revise the naturalization test—though whether this would make the test more difficult is unclear.²⁶ Through policy guidance issued in December 2019, USCIS made it more difficult for applicants to meet the “good moral character” requirement, expanding the list of crimes and examples of unlawful acts that could lead to denial of citizenship.²⁷

Though all these changes were announced during the second half of 2019, after the NAC provider survey that informed this study was administered, they nonetheless reflect key themes that emerged from MPI’s analysis of the survey responses.

On March 19, 2020, the COVID-19 pandemic prompted USCIS to suspend all in-person interviews and naturalization oath ceremonies to avoid transmission of the disease. USCIS naturalizes on average 2,100 immigrants each day, meaning that between the halt in operations on March 19 and the end of May, about 130,000 immigrants had their citizenship oath ceremonies suspended.²⁸ On June 4, USCIS announced the restoration of face-to-face services at some of its offices, including naturalization interviews and small-group oath ceremonies.²⁹

USCIS naturalizes on average 2,100 immigrants each day, meaning that between the halt in operations on March 19 and the end of May, about 130,000 immigrants had their citizenship oath ceremonies suspended.

This restart may be hampered by a major budget shortfall facing USCIS, which unlike most other federal agencies, is not primarily funded by congressional appropriations but rather fees paid by applicants for citizenship, green cards, and other immigration benefits. In July 2020, USCIS announced that without an emergency appropriation of \$1.2 billion from Congress, it would need to furlough up to 69 percent of its staff (roughly 13,400 employees) and suspend many operations—including naturalization ceremonies—for at least a month, starting on August 3.³⁰ In making the announcement, USCIS cited the small number of applications filed (and, thus, fees received) during the pandemic, though MPI analysis has shown that the roots of the agency’s budget woes run much deeper and are related to other Trump administration policy changes and an earlier drop in application numbers.³¹

26 USCIS, “USCIS Announces Plan to Improve the Naturalization Test” (news release, July 19, 2019).

27 USCIS, “USCIS Expands Guidance Related to Naturalization Requirement of Good Moral Character” (news release, December 13, 2019); USCIS, “Implementing the Decisions on Driving Under the Influence Convictions on Good Moral Character Determinations and Post-Sentencing Changes” (policy alert, USCIS, Washington, DC, December 10, 2019).

28 Boundless Immigration, “Coronavirus Shutdowns Could Put 2020 Voting out of Reach for Hundreds of Thousands of New Americans,” updated April 6, 2020; Michelle Hackman and Eliza Collins, “Coronavirus-Fueled Freeze on Citizen Oath Ceremonies Threatens Voter Registration for 2020,” *Wall Street Journal*, June 1, 2020.

29 USCIS, “USCIS Response to COVID-19,” updated June 10, 2020; Philip Marcelo, “Citizenship Concerns Remain as Immigration Agency Reopens,” *Associated Press*, June 4, 2020.

30 Michelle Hackman, “Immigration Agency to Furlough Two-Thirds of Staff, Suspend Services Absent a Bailout From Congress,” *Wall Street Journal*, July 1, 2020.

31 Sarah Pierce and Doris Meissner, “USCIS Budget Implosion Owes to Far More than the Pandemic” (commentary, Migration Policy Institute, Washington, DC, June 2020).

The survey asked providers 102 questions about changes in the naturalization process they had observed over the 18 to 24 months prior to filling out the questionnaire. Among other things, it asked them to reflect on the level of scrutiny applied to applications, the behavior of USCIS adjudicating officers, and communication between USCIS and providers. ILRC developed the survey questions based on recent changes in the naturalization process that NAC partner agencies and ILRC staff had identified. Respondents were also asked how many times they had observed these changes and in which field offices. (For the questions used in this survey, see the Appendix.)

4 Survey Findings

Overall, responses to the NAC survey revealed a common pattern. In the 18 to 24 months covered by the survey, respondents reported that USCIS adjudicators had increased their scrutiny of information submitted on the naturalization application form (N-400), discussed during interviews, and requested for further review, as compared to earlier periods. In some cases, adjudicators asked for more detail about questions directly related to applicants' eligibility for citizenship, but in other instances they asked questions that were less clearly related. Some respondents recounted cases in which the adjudicators asked retrospective questions about applicants' characteristics when they applied for their green cards. At times, they reportedly displayed behaviors or a demeanor that made it difficult for applicants to proceed with their interviews.

The topics adjudicators were said to scrutinize in more detail included prior marriages and related child support payments, physical presence and continuous U.S. residence, English proficiency, tax compliance, criminal records, green-card applications, prior deportations, and documentation of disability.

Heightened scrutiny can increase applicants' risk of denial if the additional questions confuse them. For example, one service provider mentioned a dozen cases in which adjudicators asked complex, negatively framed questions, such as "Why haven't you voted?" or "How come you have not travelled?" Another NAC partner reported a client was asked about the deportation of her husband; when she disclosed that he was deported for drug trafficking, her application was denied. In the words of one provider:

"Officers ask leading questions that are unrelated [to citizenship eligibility]. The intent is for denials—in represented cases we [the legal representatives] end the interview. For pro se applicants [those without legal representation], they inform us that the officers just dig for information until satisfied."

The examples and experiences survey respondents recounted, described in this section, could be understood as adjudicators doing their jobs thoroughly and carefully, with cases that can be complex or contain information that is inconsistent. However, as will be discussed, the survey responses from providers across the country had remarkable commonalities that can only be reasonably explained by broader agency-wide policy and culture changes, rather than individual office or adjudicator practices.

A. *Obstacles at Different Stages of the Naturalization Process*

According to USCIS, the naturalization process has five stages: preparing to apply, completing the application, getting biometrics taken, being interviewed, and taking the oath.³⁴ Additionally, applicants may be given requests for evidence (RFEs) to further support their applications—generally after the interview. RFEs are often the stage that applicants find most challenging because of the level of detail required.

While most responses to the NAC provider survey focused on the interview stage and on RFEs after the interview, some responses focused on changes during other stages of the process.

Preparing for the Interview

When asked about the process before the interview, almost one-quarter of the surveyed NAC partner agencies reported their clients had missed interviews because they did not receive adequate notification in the mail (see Figure 4). Most reported fewer than a dozen cases each, though three agencies reported between 12 and 20 cases in which applicants missed their interviews after receiving late notices or no notices at all.

A few NAC partners working with the same USCIS field office reported that the office had sent notices to attorneys a few days before the interview date, but that their clients did not receive letters. Providers working with another field office reported a lack of coordination between that office and USCIS's online notification system, resulting in letters being sent to incorrect addresses. Finally, a provider representing clients at a third office reported more than 20 cases per year of applicants not receiving notification letters for a second interview; this organization also mentioned instances in which USCIS cancelled interviews though their clients received no notice of this change.

Almost one-quarter of the surveyed NAC partner agencies reported their clients had missed interviews because they did not receive adequate notification in the mail.

During the Interview

Survey respondents recalled a variety of changes and difficulties at the interview stage—some general and some specific.³⁵ Almost one-quarter of respondents reported an increase in the average length of interviews, from 20–30 minutes in earlier years to 45–60 minutes in the 18 to 24 months before the survey. In three offices (Des Moines, Atlanta, and Detroit), interviews were reportedly taking longer than 90 minutes. Changes in procedures have at times lengthened the process. For example, two respondents that interacted with the Atlanta office noted:

“On average, the clients were at USCIS for about 1–2 hours in the past. Now, they have a complicated three-step process that we have seen last on average 3 hours.”

³⁴ USCIS, *A Guide to Naturalization* (Washington, DC: USCIS, 2016).

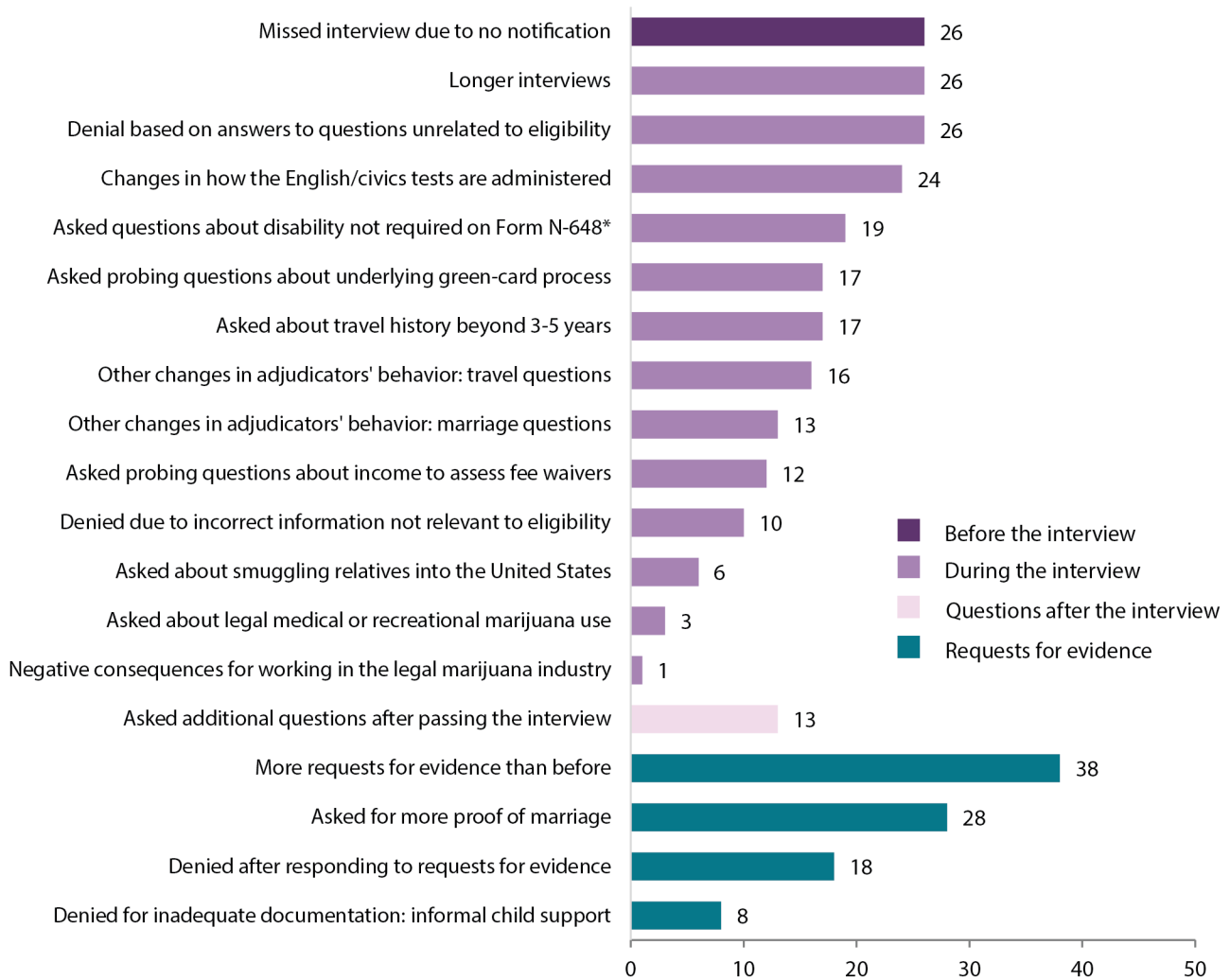
³⁵ The survey included 13 questions about changes and difficulties during interviews.

A third respondent cited a temporary increase in interview length at the Detroit office:

“There is a pilot project in multiple stations in Detroit. Toward the beginning of this project [in late 2018], we saw it taking 2–3 hours for the whole interview experience.”

But this respondent also noted that the interview process in Detroit had improved, becoming “shorter and [more] comfortable,” by the time of the survey in mid-2019.

FIGURE 4
Number of Surveyed NAC Partners Reporting Changes and Difficulties, by Stage in the Naturalization Process, 2019



* Form N-648 is used to request an exemption from the English and/or civics tests due to disability.

Notes: These responses are from 110 surveyed naturalization service providers. The complete list of survey questions, including these items, can be found in the Appendix.

Source: MPI analysis of Immigrant Legal Resource Center (ILRC) survey of New Americans Campaign (NAC) naturalization service providers, conducted in 2019.

Almost one-quarter of respondents reported cases in which the adjudicator asked clients questions that were unrelated to eligibility—that is, questions not included on the N-400 form or related to the applicant’s immigration file—that led to denial. For example, adjudicators reportedly asked about the causes of divorce from previous spouses, specifics about asylum cases, remittances sent to relatives abroad, and how green-card application fees had been paid.

“One elderly client, who had a particularly traumatic asylum story, was asked probing and detailed questions about her asylum case. The client broke down during the interview and was told she did not pass. A second interview was scheduled.”

Twenty-four respondents described changes in how the English and civics tests were administered during the interview. In some cases, they said adjudicators were stricter during these tests. In others, they reportedly asked additional questions about applicants’ English ability. For example, one adjudicator asked a complex legal question:

“Have you ever considered yourself a non-U.S. resident on any local, state, or federal tax return since you became a lawful permanent resident?”

When the applicant said “no,” the adjudicator asked him to rephrase the question, and when he could not, he failed the test. The applicant’s representative then asked for a second interview, which he passed. Another respondent described a case in which the adjudicator asked about a prior denial for a visa due to the applicant’s lack of English ability that had occurred years before she applied for citizenship.

Respondents also cited cases in which adjudicators displayed accusatory demeanors during the interview. In one such case in Los Angeles, the adjudicator asked, “Are you gonna lie to me today?” instead of “Do you promise to tell the truth?”

Additional Interviews and Post-Interview Questions

About one-eighth of NAC partner agencies reported their clients were asked additional questions after being told they had passed the interview and were going to take the citizenship oath. Two partner agencies reported that a handful of clients were told they would receive letters for the oath ceremony but were later called in for additional interviews. In one case, the applicant was intimidated by the detailed questions an officer asked her about welfare fraud, leading her to withdraw her application. Another provider stated that an applicant passed the interview but was then asked a follow-up question about an address and mixed up the number; the adjudicator then denied the application. In other cases, the naturalization oath ceremony was canceled due to adjudicators’ concerns about applicants’ English language skills that arose after their initial interview. A respondent described the following example:

“One client was approved and scheduled for an oath ceremony. During the ceremony check-in, the client had difficulty communicating in English with the check-in officer, who reopened the case for ‘derogatory information about your English.’”

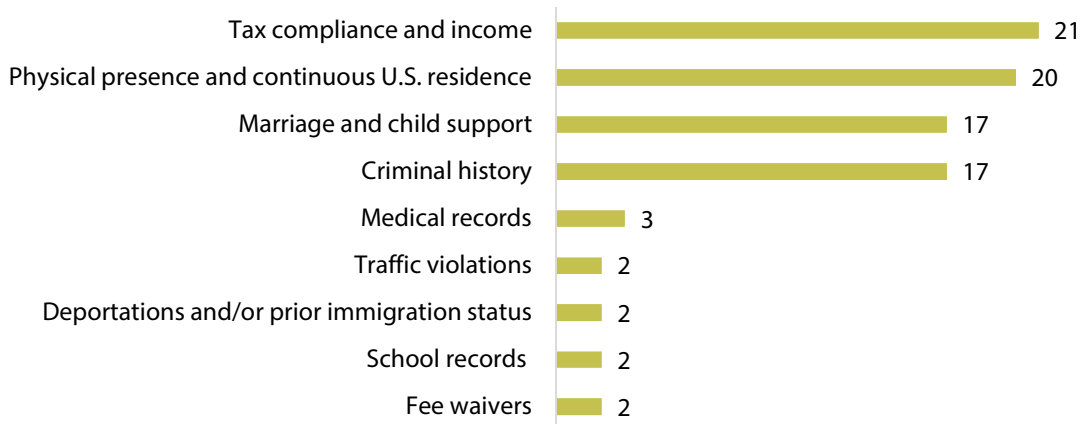
Requests for Evidence

More than one-third of respondents (38 out of 110) said that USCIS adjudicators issued formal RFEs more frequently during the 18 to 24 months prior to the survey than before that time. As shown in Figure 5, RFEs were given for a variety of items on the N-400 form. Adjudicators most often issued RFEs to gather details about tax compliance and income, physical presence and continuous U.S. residence, marriage and child support, and criminal history. Naturalization service providers reported many of the same issues coming up during the interview stage.

NAC service providers gave several examples of RFEs for seemingly minor details that they said were not scrutinized as closely in the past, some of which are not technically naturalization requirements. One respondent cited at least five cases in which RFEs were issued to prove more than 20 years of continuous U.S. residence, even though the statutory period to qualify for citizenship is only five years of residence (or three years if the applicant is married to a U.S. citizen). Another described a case in which an RFE was issued for police clearance letters or court dispositions for every place the applicant had lived while a permanent resident, and another case in which an RFE was issued for proof of payment for a traffic violation.

FIGURE 5

Number of Surveyed NAC Partners Reporting Requests for Evidence about Specific N-400 Application Items, 2019



Notes: Of the 110 naturalization service providers surveyed, 38 stated that RFEs were more frequently issued within the past 18 to 24 months than before that period. RFEs can be issued for more than one item on the application, so there may be some overlap between the bars.

Source: MPI analysis of ILRC survey of NAC naturalization service providers, 2019.

Almost one-quarter of surveyed NAC partners (25 out of 110 providers) reported that clients invested considerable time in requesting documents from U.S. courts, police departments, and other authorities. Such requests were more daunting when they involved obtaining documents from foreign countries; for example, documents regarding child support payments and noncriminal background checks.

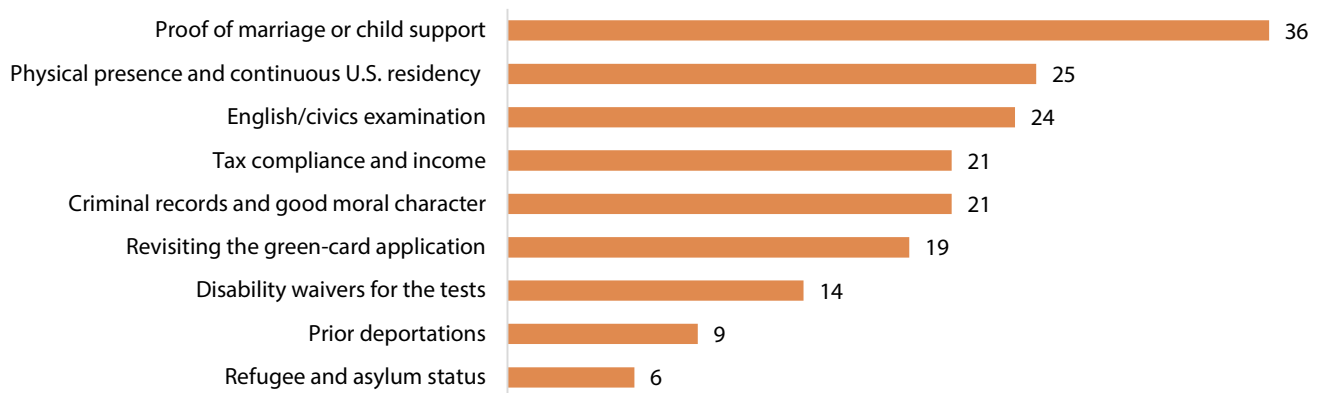
More generally, almost one-third of respondents (32 providers) said adjudicators were exercising discretion in favor of applicants during interviews considerably less often than had been the practice prior to the survey period. This pattern is reflected in the larger numbers of RFEs issued.

B. Issues Raised in Interviews or Requests for Evidence

Survey respondents also provided details about the types of problems or changes they observed throughout the application process, most often during the interview or with subsequent RFEs. The nine issues shown in Figure 6 are those that reportedly arose most frequently.

FIGURE 6

Number of Surveyed NAC Partners Reporting Changes and Difficulties in the Naturalization Process, by Issue Encountered, 2019



Notes: These responses are from 110 naturalization service providers. Some examples provided by respondents fell into more than one category, so there may be some overlap between the bars.

Source: MPI analysis of ILRC survey of NAC naturalization service providers, 2019.

Proof of Marriage and Child Support

Marriage to a U.S. citizen or green-card holder is the most common way immigrants get permanent residence, and those married to U.S. citizens can apply for citizenship after three years with permanent residence, as opposed to the standard five years for other applicants. More than one-third of NAC respondents (36 out of 110 providers) reported adjudicators asking additional questions about applicants' marriage, divorce, and child support in the study period, compared to prior years. Other respondents said that applicants are being asked more questions about their underlying applications for permanent residence based on marriage. And some adjudicators are said to be requesting more proof in the form of joint tax returns, bank statements, insurance, and bills. In one case, where the applicant had a common-law marriage, the respondent said the adjudicator asked for wedding pictures and sworn statements from wedding guests. Another provider noted:

"I felt it was excessive and that the client was being asked for extensive proof where the proof we originally submitted would have previously been sufficient."

Seven providers also reported that adjudicators were asking more questions about divorces. They were described as asking for details about both the marriage and divorce, specific questions about the causes of divorce, and in some cases, about marriages and divorces that occurred prior to green-card applications. At times, they reportedly demanded divorce decrees. Four providers recounted questions or requests for proof

of child support payment, and in one case, the request was for proof of support for a child living in Myanmar (also known as Burma).

Physical Presence and Continuous U.S. Residence

Green-card holders must show they have maintained continuous residence and physical presence in the United States for five years before they can naturalize (three years if married to a U.S. citizen). To meet the continuous residence requirement, they should not have left the country for more than six months at a time during this three- or five-year period, or provide proof that they qualified for an exception if they did so. Leaving the country for more than one year at a time not only constitutes possible green-card abandonment, but also automatically breaks continuous residence; applicants who have done so must show they have resided in the country for more than four years continuously after such a break, in addition to having one qualifying year before the break.³⁶ The physical presence requirement states that applicants must be in the United States for at least half of the days during the three- or five-year statutory period.³⁷

Almost one-quarter of NAC respondents (25 providers) said adjudicators asked more probing questions about applicants' travel to determine whether they met the continuous residence requirement than had previously been the case. One respondent recalled more than ten cases in which adjudicators asked questions about how applicants could afford to travel if they were unemployed or received public benefits, whether they had traveled more than the maximum days allowed, and whether they were ineligible because they had travelled outside the United States for between six months and one year.

A second provider said that officers had asked two applicants whether they had "ever" returned to their home countries and a third applicant about an extended trip that occurred more than five years prior to the naturalization process—a period beyond what is required under the statute. Another NAC partner agency described a case in which an applicant received an RFE to explain her long absence from the United States when she was with her husband, who was overseas with the U.S. military. In another case, an applicant was asked for extensive evidence to explain a seven-month absence:

"We had a client with a seven-month trip due to the Ebola crisis in Liberia. We submitted a declaration and news articles related to the Ebola crisis and grounding of planes at the time of the trip. We received a continuance for more evidence. We responded with multiple family member declarations and more news articles, and the case was eventually approved, but the amount of evidence requested was more than in the past for this type of situation."

Yet another NAC partner agency cited three cases in which applicants were denied because they could not remember the exact dates of trips abroad.

³⁶ USCIS, "Policy Manual: Volume 12, Part D, Chapter 3—Continuous Residence," updated May 21, 2020.

³⁷ USCIS, "Policy Manual: Volume 12, Part D, Chapter 4—Physical Presence," updated May 21, 2020.

English and Civics Tests

Almost one-quarter of respondents (24 NAC partner agencies) reported changes in the way that USCIS officers administered the English or civics tests most citizenship applicants are required to take. A NAC partner that represents clients at the Atlanta USCIS field office said the exam was being administered in areas with no privacy and loud noise, making it difficult for applicants to listen to the adjudicators' instructions. Respondents at the Seattle and Tulsa field offices mentioned applicants taking the English exam on iPads instead of using pencil and paper, as was previously more common. According to three other respondents, whose clients filed applications at the Los Angeles and Los Angeles County field offices, the adjudicators asked multiple interviewees to define complex terms on the N-400 application such as "communist," "terrorism," "genocide," and "oath of allegiance."

Almost one-quarter of respondents reported changes in the way that USCIS officers administered the English or civics tests.

In a case reported by another respondent, an applicant had answered "no" to the standard question: "Have you ever considered yourself a non-U.S. resident on any local, state, or federal tax return since you became a lawful permanent resident?" Even though this applicant reportedly had relatively strong English skills, the officer asked her if she fully understood the question and she got nervous and answered "no"; she had to return for a second interview.

Tax Compliance and Income

Proof of income and tax compliance is a standard component of citizenship applications and interviews. Almost one-fifth of surveyed NAC partner agencies (21 providers) reported an increase in questions and evidence requests about income and taxes, mostly aimed at low-income applicants. Examples included requests for income and tax statements for all family members when the applicant was unemployed, queries about children's employment and income when older applicants were dependents on their children's returns, and questions not on the N-400 form about how applicants pay rent and other expenses.

In one case, the adjudicator reportedly asked for proof that the applicant had paid the U.S. government a fee for a green-card application years ago as USCIS had no record of the fee payment—even though the applicant had a valid green card, which could not have been issued without payment. In another case, the adjudicator asked for the W-2 forms and the tax return of the company that had sponsored the applicant's green card. A third applicant was denied citizenship "for owing taxes even though [the] client had obtained [tax] status as 'not collectible' from IRS."

Criminal History and Good Moral Character

Naturalization applicants are required to show "good moral character," defined as that "which measures up to the standards of average citizens of the community in which the applicant resides," during the five years prior to applying for naturalization and up to the time of the oath of allegiance.³⁸ In 2019, Attorney

³⁸ USCIS, "Policy Manual: Volume 12, Part D, Chapter 9—Good Moral Character," updated June 18, 2020; USCIS, "Policy Manual: Volume 12, Part F, Chapter 1—Purpose and Background," updated June 18, 2020.

General William Barr directed the immigration courts to apply more scrutiny to certain types of crimes when assessing good moral character in cancellation of removal cases,³⁹ a standard which USCIS then applied to naturalization applications in December 2019.⁴⁰ In tandem, USCIS also specified an expanded list of crimes that could violate good moral character in citizenship applications.⁴¹

About one-fifth of the sample (21 providers) reported USCIS officers were questioning moral character more often than in the past—even though the survey was collected before USCIS formally applied the new standard. Most of these reports included requests for police records for crimes committed more than five years before the naturalization application was filed. In several cases, these were traffic violations such as driving under the influence—crimes that do not automatically carry a bar to citizenship if they were committed more than five years before a citizenship application, and that would rarely have triggered a moral-character inquiry in the past.⁴² In one case, an applicant pled guilty under a pretrial diversion program 20 years before he applied to naturalize, and he was denied based on this plea. Another applicant was denied due to an inability to furnish a certified copy of a speeding ticket result. A third denial was based on failure to pay a \$60 parking ticket. One of the NAC providers reported four or five cases in which USCIS requested certified court dispositions for arrests that did not happen, and for which there were no records.

Revisiting Green-Card Applications

Nineteen NAC providers reported that adjudicators were asking more extensive questions or requesting more evidence about applicants' eligibility for their green cards. Half of these providers cited cases in which applicants adjusted their status from unauthorized to permanent resident through "amnesty" under the 1986 *Immigration Reform and Control Act* (IRCA), which legalized approximately 2.7 million people,⁴³ or through a smaller set of 245(i) applications under the *Legal Immigration Family Equity (LIFE) Act of 2000*.⁴⁴ Other service providers reported adjudicators asking probing questions about marriages that were the basis for applicants' eligibility for their green cards, as described earlier in this section.

Disability Waivers for the English and Civics Tests

Applicants with disabilities may file a form N-648 documenting their disability and requesting an exception from the English and civics tests.⁴⁵ Fourteen surveyed partner agencies said that USCIS was more often

39 Cancellation of removal is an immigration benefit under U.S. law that allows foreign nationals who have lived in the United States for a significant amount of time and meet certain other conditions to remain in the country and have any removal proceedings terminated.

40 USCIS, "USCIS Implements Two Decisions from the Attorney General on Good Moral Character Determinations" (news release, December 10, 2019).

41 USCIS, "USCIS Expands Guidance Related to Naturalization."

42 Many crimes carry an automatic bar to citizenship only if they were committed within five years of when an application is filed (or three years in the case of applications by spouses of U.S. citizens), leaving moral-character determinations to the discretion of immigration officers when crimes were committed before this period. But some of the most serious crimes—homicide, aggravated felonies, and persecution and related crimes—carry an automatic bar to citizenship no matter when they were committed. See USCIS, "Policy Manual: Volume 12, Part F, Chapter 4—Permanent Bars to Good Moral Character (GMC)," updated May 21, 2020.

43 Nancy Rytina, *IRCA Legalization Effects: Lawful Permanent Residence and Naturalization through 2001* (Washington, DC: U.S. Immigration and Naturalization Service, Office of Policy and Planning, 2002).

44 USCIS, "Green Card through LIFE Act (245(i) Adjustment)," updated March 23, 2011.

45 USCIS, "N-648, Medical Certification for Disability Exceptions," updated February 18, 2020.

questioning or denying such requests and forcing applicants to take the tests; many of these cases involved applicants with mental rather than physical disabilities.

One provider reported more than 15 such cases, saying that adjudicators were asking applicants who were cognitively impaired complex questions about their diagnoses, and then using their answers to deny the N-648 waiver request. Another reported ten cases, also involving difficulties getting N-648s approved for applicants with cognitive impairments. In one such case, a client had severe dementia similar to Alzheimer's, but the adjudicator denied the N-648 after consulting with a supervisor. A third respondent described a case in which the officer denied the N-648 because it was "incomplete" due to "too many grammatical errors." A fourth had three cases in which applicants were asked "how they were working if they had a medical condition."

Prior Illegal Entries or Deportation Orders

Certain immigration violations, such as having a formal deportation on one's record or re-entering the United States illegally after already having spent more than a year in the country in unauthorized status, can prevent an immigrant from getting a green card, thereby potentially invalidating a naturalization application; simply having been an unauthorized immigrant, however, does not preclude getting a green card and, later, becoming a citizen.

Nine service providers described cases in which USCIS adjudicators asked applicants who had adjusted from unauthorized status to permanent residency about their prior arrests at the border or deportations. According to one provider, applicants were asked if they had crossed the border illegally or been deported and not disclosed this when they applied for their green cards. Another reported cases in which officers asked about other names applicants had used when detained by the Border Patrol. In one such case, an officer presented records from the 1970s. There was also a case in which a client was asked to prove that he had received a voluntary departure instead of a deportation order in the 1970s—a nearly impossible task as it would require him to have retained paperwork from almost 50 years earlier.

Refugee and Asylum Status

Six service providers reported that adjudicators had questioned the refugee or asylum status applicants held when they applied for their green cards. Some said that adjudicators were "cruel" in questioning in these cases.

One respondent said that officers had compared old refugee applications to N-648 requests for disability waivers for the English and civics tests to find discrepancies and forced some applicants with post-traumatic stress disorder (PTSD) to recount "the most traumatic events in their lives in detail" during their interview. As noted in Section 4.A., another service provider described having an elderly client with a "particularly traumatic asylum story," who "broke down"

One respondent said that officers ... forced some applicants with post-traumatic stress disorder (PTSD) to recount "the most traumatic events in their lives in detail" during their interview.

during the interview when asked probing questions about her asylum case, failed that interview, and was then scheduled for a second one.

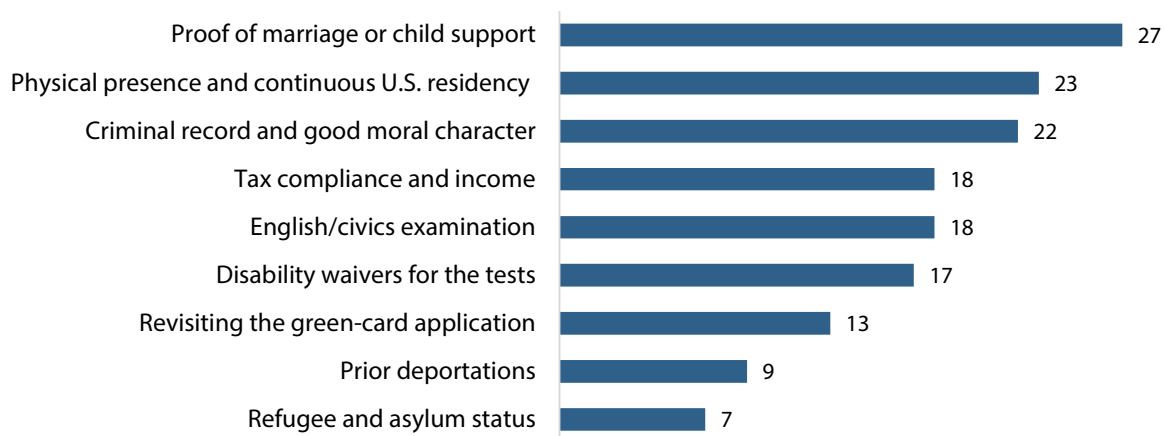
C. *Frequency of Naturalization Process Changes across USCIS Field Offices*

The survey covered naturalization applications submitted to 52 USCIS field offices—about 60 percent of the 87 USCIS offices nationwide (see Figure 3 above).⁴⁶ Several of the more common issue areas described in Sections 4.A. and 4.B. were reported for multiple offices, indicating that they are to varying extents widespread across field offices and may represent agency-wide changes. Changes and difficulties described in relation to a limited number of offices may more likely be attributable to individual adjudicator discretion.

Respondents reported encountering certain naturalization problems or changes in more USCIS field offices than others during the 18 to 24 months prior to the survey, as shown in Figure 7. Sampled service providers stated that adjudicators in more than half of the 52 offices asked more questions and requested more evidence about marriages and child support. In slightly less than half of the offices, adjudicators reportedly exercised more scrutiny regarding travel history and criminal records. And in about one-third, there were reports of more difficulties documenting tax compliance and income, passing the English and civics examinations, and attaining waivers of these exams due to applicants' disabilities. In other words, these types of issues were common across offices, suggesting that USCIS may have issued instructions to its officers to adjudicate these issues more closely and/or there was a broad cultural shift within USCIS that led to greater scrutiny.

FIGURE 7

Number of USCIS Field Offices for which Surveyed NAC Partners Reported Changes and Difficulties in the Naturalization Process, by Issue Encountered, 2019



Notes: The 110 NAC naturalization service providers that responded to the survey had submitted applications to 52 USCIS field offices during the study period. Survey responses provided information about specific changes in the naturalization process for 50 offices. Source: MPI analysis of ILRC survey of NAC naturalization service providers, 2019.

⁴⁶ NAC partner agencies that responded to the survey had submitted applications to a total of 52 USCIS field offices during the study period, but they only provided responses about specific changes in the naturalization process for 50 offices.

The other issues raised by the NAC partners who participated in the survey were not as widespread across USCIS offices. Some applied to a narrower set of cases, such as applications filed by refugees and asylees, and those filed by immigrants who had adjusted from unauthorized status to permanent residence and may have had prior border arrests or deportations.

Taken together, the findings of this review and analysis of the NAC partner agency survey bear a striking resemblance to those of a February 2019 survey of changes in the naturalization process at the Denver USCIS field office over the prior two years. Providing further evidence of some of the trends identified in this report, the Denver study found increased scrutiny of naturalization applications had led to more RFEs, along with longer processing times and more anxiety among applicants.⁴⁷ These requests asked for more information about applicants' criminal history and moral character, their marriages and child support, and their green-card applications—often including details that exceed those necessary for a statutory determination of citizenship eligibility. The Denver study also found that adjudicators more frequently denied waivers for the English and civics test based on disability.⁴⁸

5 Discussion and Conclusions

Naturalization is essential to the full incorporation of immigrants into U.S. society. Without citizenship, they cannot vote, serve on juries, hold certain jobs, or access the full range of rights and benefits that accrue to citizens. Slowdowns in the citizenship process delay the integration of immigrants and limit their potential economic, social, and political contributions to communities nationwide.

Analysis of naturalization service providers' responses to the NAC survey shed light on how USCIS adjudicators are applying more scrutiny at a number of steps in the naturalization process—the interviews, tests, evidence requests, and adjudicator assessments—thereby making it more difficult for significant numbers of immigrants to pass, lengthening the application period, increasing the likelihood of denial, and potentially discouraging some people from applying. Respondents reported that, in general, adjudicators asked more questions during and after interviews, issued more RFEs, applied more scrutiny to certain application details, and exercised less discretion in favor of applicants. Specifically, adjudicators more frequently probed applicants' statements about marriage and divorce, child support, physical presence and continuous U.S. residence.

Adjudicators more frequently probed applicants' statements about ...



Marriage and divorce



Child support



Physical presence and continuous U.S. residence



Good moral character



Tax compliance

⁴⁷ Colorado State Advisory Committee to the U.S. Commission on Civil Rights, *Citizenship Delayed*.

⁴⁸ Colorado State Advisory Committee to the U.S. Commission on Civil Rights, *Citizenship Delayed*, 29.

residence, good moral character, and tax compliance, while in some cases more rigorously testing their English skills and civics knowledge, or disputing exemptions to the tests based on disability.

One survey respondent described the view that shifts in USCIS mission and policy have made adjudicators “less willing to exercise their judgment.” In the words of another, adjudicators appeared to be “behaving as though the default assumption is that applicants are engaged in fraud, even without any evidence of that.”

During the study period, the naturalization backlog increased, thereby extending the average time it took to adjudicate applications. Longer processing times may prolong uncertainty for applicants and their families. More probes and RFEs extend processing times and increase the burden on applicants and their attorneys, as well as on USCIS by requiring staff to allocate additional time to sending formal requests and reviewing documents. Such resource shifts and additional scrutiny are justified, indeed possibly necessary, when they strengthen the integrity of immigration processes.

The survey findings, however, demonstrate that there have been major changes in how the naturalization process is working under the Trump administration, and yet the approval rate has not changed. Before the COVID-19 pandemic, the agency had shifted its emphasis away from providing customer service to immigration-benefit applicants and towards more thorough vetting in the service of stricter immigration enforcement and making fraud detection a more central focus, allocating resources accordingly. But it does not seem that these measures have affected final decisions to grant or deny naturalization applications.

The results of the NAC survey, therefore, provide cause for careful and ongoing oversight of the naturalization process going forward. It is of paramount importance to preserve the claims of qualifying legal permanent residents to the full civic and political rights that citizenship brings. The pandemic, by prompting the suspension of in-person procedures such as naturalization interviews and swearing-in ceremonies for about three months, has added to the existing backlog of cases. With these activities suspended, USCIS has added an estimated 200,000 applications to its backlog.⁴⁹ Though USCIS has started to restore operations as some states reopen despite the pandemic, the potential staff furlough and suspension of activities due to its budget shortfall could further increase the backlog starting in August. If USCIS can staff up and fully restore its naturalization functions, it will be critical for the agency to complete application processing as efficiently and expeditiously as possible to reduce the expanding backlog.

At the same time, factors unrelated to the pandemic are reshaping the process of becoming a U.S. citizen. The near doubling of naturalization fees scheduled to go into effect in September, alongside the processing changes and difficulties described in this report, could deter future applications and eventually result in a substantial decline in the number of immigrants who become citizens. Levels of scrutiny and technical review that often go considerably beyond long-established standards for determining eligibility to naturalize cannot be justified when applicants continue to demonstrate eligibility on par with historical rates and there is little to no published evidence of widespread fraud in the process.

⁴⁹ Estimate is based on the number of completed adjudications during the first three months of this calendar year (January through March 2020). See USCIS, “Number of Form N-400, Application for Naturalization by Category of Naturalization, Case Status, and USCIS Field Office Location: January 1 to March 31, 2020” (data table, USCIS, Washington, DC, May 2020).

Appendix. New Americans Campaign Partner Agency Survey Questions

The following questions were asked of New Americans Campaign (NAC) partner organizations on a 2019 Immigrant Legal Resource Center (ILRC) survey about U.S. Citizenship and Immigration Services (USCIS) behavior and process changes. ILRC developed these questions based on changes in the naturalization process that NAC partners and ILRC staff had identified. The data collected from this survey were analyzed by the Migration Policy Institute (MPI) and are described in this study.

Organization Name

Answer Option: Free-write text field

NAC Site (Metro Area of Your Org)

Answer Options: Akron, Arizona, Atlanta, Central Valley, Charlotte, Chicago, Dallas, Detroit, East Bay, Florida, Houston, Las Vegas, Los Angeles, Marin, Miami, Napa, New York, Orange County, Philadelphia, Phoenix, San Antonio, San Diego, San Francisco, Saint Paul, Seattle, Silicon Valley, Virginia, Washington DC Metro, Other: Free-write text field

Your Email

Answer Option: Free-write text field

Changes in USCIS Behavior before the Interview

Consider your/your naturalization clients' experience over the past 18–24 months when responding to the following questions.

- 1** Have you seen applicants getting letters stating that they missed their interview dates, though they didn't receive any notification of the interview in the first place?
Answer options: Yes/No
 - 1a** If yes, in which field offices?
Answer option if yes to 1: Free-write text field
 - 1b** Approximately how many cases of this have you seen in the past 18–24 months?
Answer option if yes to 1: Free-write text field
 - 1c** (Optional) Describe how you're seeing this.
Answer option if yes to 1: Free-write text field
- 2** Any other changes in USCIS behavior/process that you're seeing happen before the interview?
Answer option: Free-write text field

Changes in USCIS Behavior during the Interview

Consider your/your naturalization clients' experience over the past 18–24 months when responding to the following questions.

- 3** Have you seen the naturalization interview lasting longer than before?
Answer options: Yes/No

- 3a** If yes, in which field offices?
Answer option if yes to 3: Free-write text field
- 3b** How long were interviews lasting before, and how long are they lasting now?
Answer option if yes to 3: Free-write text field
- 4** Have you seen USCIS adjudicators asking for travel history beyond the statutory period (5 or 3 years) during the interview?
Answer options: Yes/No
- 4a** If yes, in which field offices?
Answer option if yes to 4: Free-write text field
- 4b** Approximately how many cases of this have you seen in the past 18–24 months?
Answer option if yes to 4: Free-write text field
- 4c** (Optional) Describe how you're seeing this.
Answer option if yes to 4: Free-write text field
- 5** Have you seen other changes in adjudicators' behavior during the interview related to travel?
Answer options: Yes/No
- 5a** If yes, in which field offices?
Answer option if yes to 5: Free-write text field
- 5b** Approximately how many cases of this have you seen in the past 18–24 months?
Answer option if yes to 5: Free-write text field
- 5c** (Optional) Describe how you're seeing this.
Answer option if yes to 5: Free-write text field
- 6** Have you seen USCIS adjudicators exercising less positive discretion (i.e., good moral character denied in cases where it might not have been in the past)?
Answer options: Yes/No
- 6a** If yes, in which field offices?
Answer option if yes to 6: Free-write text field
- 6b** Approximately how many cases of this have you seen in the past 18–24 months?
Answer option if yes to 6: Free-write text field
- 6c** (Optional) Describe how you're seeing this.
Answer option if yes to 6: Free-write text field
- 7** Have you seen USCIS adjudicators asking follow-up questions that are not related to their eligibility, but that then lead to conversations that lead to denial?
Answer options: Yes/No
- 7a** If yes, in which field offices?
Answer option if yes to 7: Free-write text field
- 7b** Approximately how many cases of this have you seen in the past 18–24 months?
Answer option if yes to 7: Free-write text field

- 7c** (Optional) Describe how you're seeing this.
Answer option if yes to 7: Free-write text field
- 8** Have you seen adjudicators continuing to ask applicants questions after they tell the applicant that they have passed the interview and will be moving on to the oath ceremony portion?
Answer options: Yes/No
- 8a** If yes, in which field offices?
Answer option if yes to 8: Free-write text field
- 8b** Approximately how many cases of this have you seen in the past 18–24 months?
Answer option if yes to 8: Free-write text field
- 8c** (Optional) Describe how you're seeing this.
Answer option if yes to 8: Free-write text field
- 9** Have you seen USCIS adjudicators denying naturalization based on lack of evidence of child support in a country that documents child support informally (i.e., Haiti)?
Answer options: Yes/No
- 9a** If yes, in which field offices?
Answer option if yes to 9: Free-write text field
- 9b** Approximately how many cases of this have you seen in the past 18–24 months?
Answer option if yes to 9: Free-write text field
- 9c** (Optional) Describe how you're seeing this.
Answer option if yes to 9: Free-write text field
- 10** Have you seen adjudicators denying naturalization based on the applicant providing small bits of incorrect information that are not relevant to their eligibility (i.e., street number of previous address)?
Answer options: Yes/No
- 10a** If yes, in which field offices?
Answer option if yes to 10: Free-write text field
- 10b** Approximately how many cases of this have you seen in the past 18–24 months?
Answer option if yes to 10: Free-write text field
- 10c** (Optional) Describe how you're seeing this.
Answer option if yes to 10: Free-write text field
- 11** Have you seen USCIS adjudicators ask for more proof of marriage than in the past if the applicant is applying based on their marriage?
Answer options: Yes/No
- 11a** If yes, in which field offices?
Answer option if yes to 11: Free-write text field
- 11b** Approximately how many cases of this have you seen in the past 18–24 months?
Answer option if yes to 11: Free-write text field
- 11c** (Optional) Describe how you're seeing this.
Answer option if yes to 11: Free-write text field

- 12** Have you seen other changes in adjudicators' behavior during the interview related to marriage?
Answer options: Yes/No
- 12a** If yes, in which field offices?
Answer option if yes to 12: Free-write text field
- 12b** Approximately how many cases of this have you seen in the past 18–24 months?
Answer option if yes to 12: Free-write text field
- 12c** (Optional) Describe how you're seeing this.
Answer option if yes to 12: Free-write text field
- 13** Have you seen adjudicators improperly asking applicants for additional information about their N-658 that is not required (i.e., asking for medical records, asking why their condition wasn't disclosed in previous immigration applications)?
Answer options: Yes/No
- 13a** If yes, in which field offices?
Answer option if yes to 13: Free-write text field
- 13b** Approximately how many cases of this have you seen in the past 18–24 months?
Answer option if yes to 13: Free-write text field
- 13c** (Optional) Describe how you're seeing this.
Answer option if yes to 13: Free-write text field
- 14** Have you seen adjudicators questioning the legitimacy of fee waiver applicants' low-income status by asking probing questions (i.e., how they could afford to travel if they are low income)?
Answer options: Yes/No
- 14a** If yes, in which field offices?
Answer option if yes to 14: Free-write text field
- 14b** Approximately how many cases of this have you seen in the past 18–24 months?
Answer option if yes to 14: Free-write text field
- 14c** (Optional) Describe how you're seeing this.
Answer option if yes to 14: Free-write text field
- 15** Have you seen changes to how applicants are being given the English or civics test during the interview?
Answer options: Yes/No
- 15a** If yes, in which field offices?
Answer option if yes to 15: Free-write text field
- 15b** Approximately how many cases of this have you seen in the past 18–24 months?
Answer option if yes to 15: Free-write text field
- 15c** (Optional) Describe how you're seeing this.
Answer option if yes to 15: Free-write text field
- 16** Have you seen applicants being asked about legal medical or recreational marijuana?
Answer options: Yes/No

- 16a** If yes, in which field offices?
Answer option if yes to 16: Free-write text field
- 16b** Approximately how many cases of this have you seen in the past 18–24 months?
Answer option if yes to 16: Free-write text field
- 16c** (Optional) Describe how you're seeing this.
Answer option if yes to 16: Free-write text field
- 17** Have you seen applicants experiencing negative consequences for working in the legitimate marijuana industry?
Answer options: Yes/No
- 17a** If yes, in which field offices?
Answer option if yes to 17: Free-write text field
- 17b** Approximately how many cases of this have you seen in the past 18–24 months?
Answer option if yes to 17: Free-write text field
- 17c** (Optional) Describe how you're seeing this.
Answer option if yes to 17: Free-write text field
- 18** Are applicants being asked more probing questions about how they got their green cards?
Answer options: Yes/No
- 18a** If yes, in which field offices?
Answer option if yes to 18: Free-write text field
- 18b** Which kinds of questions are they getting?
Answer options: Credibility of prior asylum case, Questions about 245(i) eligibility, Investigation of alleged prior deportation order, Investigation of USCIS jurisdiction of prior adjustment, Questions about amnesty eligibility, Other: Free-write text field
- 18c** Approximately how many cases of this have you seen in the past 18–24 months?
Answer option if yes to 18: Free-write text field
- 18d** (Optional) Describe how you're seeing this.
Answer option if yes to 18: Free-write text field
- 19** Are applicants being asked about smuggling relatives into the United States prior to adjustment or admission?
Answer options: Yes/No
- 19a** If yes, in which field offices?
Answer option if yes to 19: Free-write text field
- 19b** Approximately how many cases of this have you seen in the past 18–24 months?
Answer option if yes to 19: Free-write text field
- 19c** (Optional) Describe how you're seeing this.
Answer option if yes to 19: Free-write text field
- 20** Are applicants with certain nationalities being targeted for lengthier interviews/more probing questions/more RFEs?
Answer options: Yes/No

- 20a** If yes, in which field offices?
Answer option if yes to 20: Free-write text field
- 20b** Approximately how many cases of this have you seen in the past 18–24 months?
Answer option if yes to 20: Free-write text field
- 20c** (Optional) Describe how you're seeing this.
Answer option if yes to 20: Free-write text field
- 21** Anything else that you're seeing happen during the interview (i.e., are adjudicators asking more questions, etc.)?
Answer option: Free-write text field

Changes in USCIS Behavior after the Interview

Consider your/your naturalization clients' experience over the past 18–24 months when responding to the following questions.

- 22** Have you seen applicants receiving denials after responding to requests for evidence (RFEs)?
Answer options: Yes/No
 - 22a** If yes, in which field offices?
Answer option if yes to 22: Free-write text field
 - 22b** Approximately how many cases of this have you seen in the past 18–24 months?
Answer option if yes to 22: Free-write text field
 - 22c** (Optional) Describe how you're seeing this.
Answer option if yes to 22: Free-write text field
 - 22d** (Optional) May we contact you for more information about the records that were requested and the ones that were submitted? The ILRC is interested in whether USCIS is denying applications where the full record of conviction was not provided.
Answer option if yes to 22: Yes/No
- 23** Have you seen applicants being placed in deportation proceedings right after their application is denied?
Answer options: Yes/No
 - 23a** If yes, in which field offices?
Answer option if yes to 23: Free-write text field
 - 23b** Approximately how many cases of this have you seen in the past 18–24 months?
Answer option if yes to 23: Free-write text field
 - 23c** (Optional) Describe how you're seeing this.
Answer option if yes to 23: Free-write text field
- 24** Have you seen applicants getting more requests for evidence than before?
Answer options: Yes/No
 - 24a** If yes, in which field offices?
Answer option if yes to 24: Free-write text field

- 24b** For which reasons (i.e., marriage, continuous residence, tax compliance, other)?
Answer option if yes to 24: Free-write text field
- 24c** Approximately how many cases of this have you seen in the past 18–24 months?
Answer option if yes to 24: Free-write text field
- 24d** (Optional) Describe how you're seeing this.
Answer option if yes to 24: Free-write text field
- 25** Anything else that you're seeing happen after the interview?
Answer option: Free-write text field

Changes in USCIS Engagement with Organizations

Consider your/your naturalization clients' experience over the past 18–24 months when responding to the following questions.

- 26** Has your experience at your Community Engagement Forum/CBO Meeting changed (i.e., you may only submit specific questions, they cancel the meeting if you don't submit questions)?
Answer options: Yes/No
 - 26a** If yes, in which field offices?
Answer option if yes to 26: Free-write text field
 - 26b** (Optional) Describe how you're seeing this.
Answer option if yes to 26: Free-write text field
- 27** Is your organization now only able to maintain relationships with USCIS staff/units in lower positions of power, as compared to earlier?
Answer options: Yes/No
 - 27a** If yes, in which field offices?
Answer option if yes to 27: Free-write text field
 - 27b** (Optional) Describe how you're seeing this.
Answer option if yes to 27: Free-write text field
- 28** Have you seen any other changes in the relationship that your organization/site is able to have with USCIS locally?
Answer options: Yes/No
 - 28a** If yes, in which field offices?
Answer option if yes to 28: Free-write text field
 - 28b** (Optional) Describe how you're seeing this.
Answer option if yes to 28: Free-write text field

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