

Congress of the United States
Washington, DC 20515

September 4, 2019

The Honorable Kenneth T. Cuccinelli
Acting Director
U.S. Citizenship and Immigration Services
20 Massachusetts Ave. NW
Washington, D.C. 20529

Dear Acting Director Cuccinelli:

We write to urge you to reconsider the August 28, 2019 Policy Alert, “Defining ‘Residence’ in Statutory Provisions Related to Citizenship”¹ and express our serious concerns with the manner by which this policy guidance was issued.

Since 2004, USCIS policy provided that children of U.S. government employees and members of the U.S. Armed Forces who are employed or stationed abroad are deemed to be “residing in the United States” for purposes of automatic acquisition of citizenship under INA § 320. We understand that under the new policy, effective October 29, 2019, USCIS will no longer consider these children to be “residing in the United States,” thereby foreclosing INA § 320 as a means of recognizing citizenship. Instead, all such children will be required to apply for citizenship under INA § 322, a process which can be more difficult and time consuming for the families of public servants. We are deeply concerned that this policy change will have a significant impact on the many individuals who are already under great pressure serving our country overseas. We should support our troops and federal workers, not hinder the ability of their children to obtain citizenship.

Further, the release of this policy guidance has created significant and unnecessary confusion for all servicemembers and government employees living abroad – including those that are not even affected by the policy change. The misinformation surrounding this guidance was so significant that it necessitated an immediate statement clarifying that “the policy update doesn’t deny citizenship to the children of US gov employees or members of the military born abroad.”² Given the complexity of immigration law, as well as the extremely personal nature of the impact of these policies, we hope you would take greater care to appropriately educate affected persons and the public on the intent and effect of your policies in the future.

¹ <https://www.uscis.gov/sites/default/files/policymanual/updates/20190828-ResidenceForCitizenship.pdf>.


² <https://twitter.com/USCISCuccinelli/status/1166826012421840899?s=20>


In order to better understand the process by which this guidance was finalized and issued to the public, we request your prompt responses to the following questions:


1. The underlying policy guidance regarding residence requirements has been in place since 2004. Why change it now?
2. What studies, data, or other information did your office draw on when designing this policy? Please provide copies for our review.
3. How many military members and government workers do you estimate will be impacted by this policy change in the coming years? How was this estimate made?
4. How many children of government employees and service members obtained citizenship under INA 320 and 322 respectively in the last 5 years?
5. Why was this change announced in a haphazard manner that confused service members and government workers already stationed overseas? Why were the Defense Department and other impacted federal agencies not consulted in advance? Please provide copies of any announcement publicity plans.

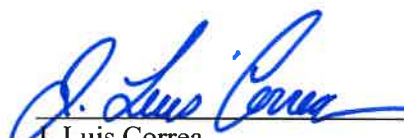
Thank you for your time and attention to this matter. We look forward to your response.


Sincerely,



Veronica Escobar
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Jackie Speier
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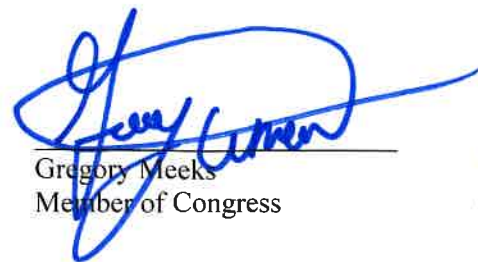

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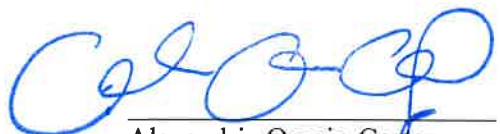
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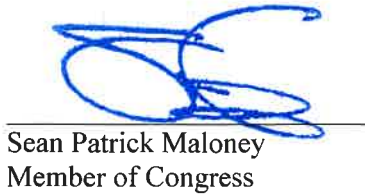
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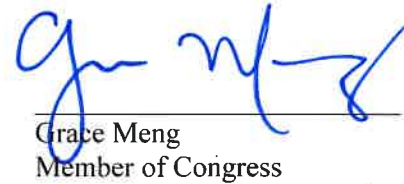
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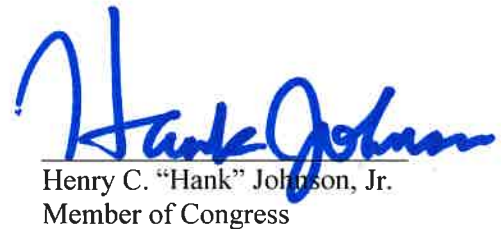
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