

April 27, 2021

Chairwoman Zoe Lofgren and Ranking Member Tom McClintock  
Subcommittee on Immigration and Citizenship  
U.S. House Judiciary Committee  
6320 O'Neill House Office Building  
Washington, DC 20515

**Re: Hearing on Barriers to Legal Immigration**

Dear Chairwoman Lofgren and Ranking Member McClintock,

On behalf of the National Partnership for New Americans (NPNA), a national coalition of 41 immigrant and refugee rights organizations, we submit this statement for the record in connection to the subcommittee's April 28 hearing titled "Why Don't They Just Get in Line? Barriers to Legal Immigration."

We appreciate the Subcommittee's focus on barriers to legal immigration, which impact the lives of countless prospective immigrants and continue to burden newcomers to our country long after they have arrived. Identification and removal of these barriers requires a comprehensive approach that considers the way our immigration laws are written, as well as how they are implemented by federal departments and agencies. Among these agencies, the role of the U.S. Department of Homeland Security's U.S. Immigration and Citizenship Services (USCIS) is especially critical, as USCIS is the federal entity that adjudicates immigration benefits. The solvency, efficiency and reliability of USCIS in large part determines the ability of individuals to effectively pursue and attain the immigration benefits to which they are entitled. Congressional oversight, as this Subcommittee knows well, is critical towards USCIS' solvency, the ability of eligible individuals to obtain benefits, and ensuring legislative intent.

The NPNA network has put forth the following list of recommendations for USCIS to reform the naturalization process, a critical juncture in any legal immigration journey. While these items are focused on naturalization, many of the same barriers exist for applicants seeking other immigration benefits, including Deferred Action for Childhood Arrivals or Temporary Protected Status. In furtherance of these recommendations, the NPNA network has also advocated for increased Congressional appropriations for USCIS and urges the Subcommittee to prioritize these items through the appropriations process. This includes ensuring the implementation of the Emergency Stopgap USCIS Stabilization Act, as part of H.R. 8337: Continuing Appropriations Act, 2021 and Other Extensions Act, and funding proactive measures like the Citizenship and Integration Grant Program to address the needs of the millions of eligible lawful permanent residents who are eligible for naturalization.

NPNA respectfully requests that the Subcommittee work with the administration, and, when appropriate, encourage and/or fund the following policies.

## **Rescind Barriers to Prospective Applicants and Encourage More Naturalization Applicants**

- Take the necessary rulemaking steps to rescind the fee schedule [rule](#) increasing application fees for naturalization and immigration benefits and eliminating most fee waivers.
- Reduce the price of the citizenship application fee in the next fee schedule, based on the principle that naturalization should have a reduced fee since it is in the national interest.
- Rescind the finalized [rule](#) eliminating fee waivers based on the receipt of a means-tested benefit.
- Simplify the Application for Naturalization (Form N-400) and withdraw proposed [rules](#) that do the opposite.
- Reverse the [policy guidance](#) that makes it more difficult for immigrants with a disability to apply for naturalization and related [changes](#) to the Medical Certification for Disability Exception (Form N-648).
- Reopen USCIS offices [overseas](#) so that armed services members and others can apply for naturalization and other immigration benefits.
- Seek increased funding for the Citizenship and Assimilation Grant Program so that community-based organizations (CBOs) can continue and expand naturalization assistance, remove the E-Verify requirement for grantees and subgrantees, and change the name of the program to the “Citizenship and Integration Grant Program.”
- Send notices of naturalization eligibility to permanent residents upon their eligibility, at the three and five-year mark, similar to the practice of USCIS sending notices to permanent residents who are eligible for removing conditions on permanent residence based on marriage.
- Identify and implement ways in which USCIS can promote citizenship for the millions of eligible permanent residents, including a focus on former asylees and refugees.

## **Reverse Policies and Practices that Unnecessarily Prolong the Adjudication Process and Burden Applicants, Their Legal Representation, and USCIS Itself**

- Develop a plan, with a timeline and metrics for success, on how to reduce the backlog of citizenship applications, currently at just under [one million applicants](#), by at least half and reduce to no more than six months the processing delays, which currently have a national average of [over nine months](#), with multiple USCIS offices exceeding one-year [delays](#) and some even reaching delays of two years.
- Prioritize the allocation of premium processing funds, pursuant to the provisions of [Emergency Stopgap USCIS Stabilization Act](#), which were included in [H.R. 8337: Continuing Appropriations Act, 2021 and Other Extensions Act](#), towards reducing naturalization and other backlogs and processing delays.
- Report on how USCIS is allocating the premium processing funds it has received since October 1, 2020, and steps it is taking to improve processing times for naturalization and all immigration benefits requests, in its report to Congress, which was due on [March 30, 2021](#).

- Reverse the [memorandum](#) and general practice of increasingly issuing Requests for Evidence and Notices of Intent to Deny, which lengthen the process for USCIS to adjudicate the application and often require applicants and their legal services providers to provide documents that were already provided or that are not required to determine eligibility.
- Utilize the option of reusing biometrics and waiving the biometrics requirement for certain groups such as youth, elderly, and previously vetted individuals like naturalization applicants.
- Ensure that USCIS makes accommodations through remote interviews, on a voluntary basis, rather than only offering multiple continuances for applicants who cannot enter USCIS buildings due to medical susceptibilities and/or who are bed-bound, especially during the coronavirus pandemic.
- Do not require in-person interviews for all naturalization applicants.
- Significantly reduce the [length](#) of interviews, which have reportedly doubled in length from 20-30 minutes to 45-60 minutes in some USCIS offices and exceeded 90 minutes in other offices.
- Revise and simplify the manner in which adjudicators conduct the English-language proficiency test to comport more closely with the statutory requirement of “ordinary usage” of the English language.
- Reverse the [policy](#) that schedules citizenship and other applicants to attend their interview at a USCIS office that is not the one where they applied, possibly requiring them to travel hundreds of miles and even travel to another state.

### **Revise Extreme Policy Guidance on Criminal Bars and Inadmissibility**

- Reverse the policy manual [change](#) that expands the bars to the “good moral character” requirement for citizenship by including those who received post-sentence relief, such as a new trial or sentence modification as well as those who have two or more driving under the influence convictions, further limiting those who will proceed in the naturalization process.
- Reverse the policy manual [change](#) that directs adjudicators to find a lack of “good moral character” for individuals who have violated or found to have violated controlled substances or other violations of federal law related to marijuana, even if that conduct was not in violation of state law.
- Reverse the policy manual [change](#) directing adjudicators to find inadmissible, and, thus bars from naturalization individuals who have falsely claimed citizenship regardless of intent.
- Reverse the policy manual [change](#) that unnecessarily scrutinizes naturalization applicants’ adjustment of status application, potentially directing USCIS officials to essentially re-adjudicate an application for lawful permanent residency.

### **Ensure that the Final Steps of Naturalization are Efficient, Safe, and Facilitate the Civic Engagement of Naturalized Citizens**

- Halt the proposed [rule](#) that would require applicants who have been approved and who are awaiting their swearing-in ceremony, to produce unnecessary and burdensome documentation at that ceremony.
- Allow remote oath ceremonies, especially during the ongoing coronavirus pandemic and any similar future national emergencies, and utilize the option of conducting oath ceremonies on the same day as interviews.
- Promote voter registration and vote by mail options, including through multilingual information, to promote equal participation in the electoral process for eligible citizens of all backgrounds, pursuant to [Executive Order 14019](#) on Promoting Access to Voting.
- Directly assist and collect information from naturalization applicants for voter registration purposes, on a voluntary basis, and share with the chief election official of each State, with privacy protections.
- Direct all USCIS offices to work with CBOs and other stakeholders to register to vote all naturalized citizens, on a voluntary basis, at oath ceremonies and all other opportunities.

### **Ensure Accountability and Disinvest from Denaturalization and Other Policies and Practices that Disproportionately Target Communities of Color**

- Immediately pause all USCIS actions that further or facilitate civil or criminal denaturalization and passport revocation; dismantle its apparatuses within USCIS and other DHS entities and federal agencies; publish data on priorities and policies and individual denaturalization cases since 2008; and work with impacted communities and advocates to institute review and oversight measures.
- Prohibit the use of funds from application fees for enforcement purposes, including denaturalization and any activities by Immigration and Customs Enforcement and Customs and Border Protection.

### **Make Necessary Cultural Changes Within USCIS To Reestablish it as a Service Agency that Facilitates the Naturalization and Integration of Immigrants**

- Reverse the [change](#) to the USCIS mission statement that USCIS made under the previous administration.
- Improve the customer service functions of USCIS by reestablishing the USCIS Office of Public Engagement and USCIS Office of Customer Service, including allowing applicants to schedule in person appointments online.
- Commit to equity by expanding the diversity, cultural competency, and customer service training of all USCIS personnel.

NPNA and our network of advocates and legal services providers across the nation look forward to working with the Subcommittee as it continues to review the multiple barriers to legal immigration, acts to address them, and re-visions how USCIS, DHS, and the federal government as a whole treats immigrant and refugee communities.

We invite you to see NPNA as a resource and partner as you work towards these goals. If you have any questions, please contact Diego Iñiguez-López, Policy and Campaigns Manager for NPNA, at [diego@partnershipfornewamericans.org](mailto:diego@partnershipfornewamericans.org).

Thank you,

Nicole Melaku  
Executive Director  
National Partnership for New Americans