

Oral Testimony of Eric Cohen
Executive Director of the Immigrant Legal Resource Center
House Judiciary Committee, Subcommittee on Immigration and Citizenship
“Policy Changes and Processing Delays at USCIS”
July 16, 2019

Chairwoman Lofgren, Ranking Member Buck, and distinguished members of the Subcommittee, thank you for the opportunity to appear before you to discuss naturalization, the crippling naturalization backlogs at USCIS, and the policies and processes that have caused these backlogs. I am here today representing the Immigrant Legal Resource Center. For 40 years we have provided immigration legal resources to practitioners. We also lead the New Americans Campaign, the single biggest naturalization collaboration in the history of the United States, which has helped over 400,000 people complete their applications.

Our nation’s naturalization program is in a state of dysfunction and USCIS is not adequately, fairly, and efficiently processing naturalization applications. Instead of remedying this situation, the Trump Administration’s policies have exacerbated unmanageable backlogs, the wait to naturalize has ballooned to unacceptable levels, and the result is that naturalization applicants and their families are suffering.

The naturalization wait time has gone from 5.8 months in 2015 to 10.3 months in 2017. As of March 2019, the average processing time was still over 10 months and an applicant’s processing time varies depending on where they live. In Miami, Dallas, and New York, processing times for many cases has stretched to nearly two years.

There are several reasons for these processing delays. First, this Administration has not prioritized addressing the backlogs and has not dedicated sufficient resources to clearing the backlog. In previous years where there was a backlog, USCIS made significant progress clearing the backlog because it was viewed as a priority. Sadly, this is not happening under the Trump Administration.

Second, this Administration spends an inordinate amount of time re-adjudicating determinations that were previously made, thus unduly delaying the process. In March 2019, we surveyed our partners across the nation asking them to report any changes in USCIS practice they have observed. Many of those surveyed reported that naturalization interviews are lasting longer, in fact, on average approximately twice as long as in the past, thus contributing to the backlog.

Respondents reported that USCIS adjudicators are also viewing naturalization applicants with more suspicion. In one case, the adjudicator asked for proof of marriage even though the couple has children together and the marriage was already determined valid by USCIS during the green card interview.

Often, adjudicator inquiries require applicants to provide information outside the scope of their naturalization applications, thus delaying the adjudication. Our partners report that USCIS adjudicators are asking for travel history beyond the five-year required statutory period, and are questioning the legitimacy of fee waiver applicants' low-income status by asking irrelevant questions even after the fee waiver has been approved.

In one recent case, an 82 year-old Iranian women applied for naturalization. During the interview, the USCIS adjudicator decided to revisit details of her asylum case - including the trauma she suffered in Iran - even though these details were vetted during her asylum interview 9 years earlier. She broke down and was unable to complete the interview causing her to be denied naturalization.

Lastly, USCIS's policy directives have shifted its mission from a benefit-granting agency to one that erects barriers and serves as enforcer. These include:

- inviting arbitrary and inconsistent adjudications;

- proposing changes to the naturalization application that are unclear and legally overbroad;
- ramping up denaturalization efforts;
- engaging in “extreme vetting”;
- proposing restrictions to fee waivers;
- and, considering a substantial fee increase.

Naturalization not only benefits the applicant, it also benefits the U.S. economy. Studies show that increasing citizenship results in an increased GDP, increased individual earnings, and billions in additional tax revenue.

In 2013, I was fortunate enough to be invited to speak on a panel at George W. Bush’s Presidential Library in Dallas. The event’s focus was on naturalization and included a naturalization swearing in ceremony at which President George W. Bush gave a wonderful speech. At one powerful moment in the speech, President Bush told the soon to be American citizens, “In a few moments, we will share the same title—a title that has meant more to me than any other, and I’ve had a lot—that would be Citizen of the United States.”

Citizenship is an important part of the foundation of our democracy, and we should all work to ensure that our naturalization process is administered fairly, efficiently, and reasonably.

Thank you for letting me speak today, and I look forward to taking your questions.