



NATURALIZATION WORKING GROUP

May 4, 2022

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3801 Nebraska Ave NW
Washington, D.C. 20016

The Honorable Ur Mendoza Jaddou
Director
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, NW
Washington, DC 20529

RE: Addressing the delays in adjudicating naturalization applications with records stored with the National Archives and Records Administration

Dear Secretary Mayorkas and Director Jaddou:

The Naturalization Working Group writes to urge the Department of Homeland Security and the U.S. Citizenship and Immigration Services (USCIS) take further action to address the severe pandemic-related delays in the processing of U.S. citizenship applications caused by the inability of the agency to obtain A-Files being stored with the National Archives and Records Administration (NARA) at the Federal Record Center in Kansas City, Missouri (FRC). These delays are causing severe hardship for Lawful Permanent Residents (LPRs) who are stalled in the naturalization backlog, and are preventing our nation and communities from realizing the benefits that new Americans confer on our economic and civic life.

The Naturalization Working Group (NWG) is coordinated by the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund and is made up of local and national organizations committed to helping LPRs become U.S. citizens. The NWG works to improve federal and local policies and practices related to naturalization and to educate legislators and other policymakers about the need to address barriers to naturalization. Our coalition's expertise derives from its multiple member organizations that have significant experience in promoting naturalization and in assisting newcomers with the U.S. citizenship process, including immigrants who are serving in our military.

From the beginning of the COVID-19 pandemic and to date, naturalization applicants have experienced burdensome processing delays. USCIS offices closed and later resumed reduced operations, with Application Support Centers being very slow to resume biometric appointments. Local offices were creative in trying to catch up on backlogs, scheduling on Saturdays and using officers from different offices to do interviews. We recognize and

appreciate that USCIS has taken these and other actions to start to address immigration application backlogs.

However, delays have persisted for some naturalization applicants, and we believe that challenges related to the many A-Files held by NARA at the FRC have compounded these delays. The pandemic sharply decreased the number of personnel able to work in the FRC, effectively preventing USCIS from retrieving A-Files of naturalization applicants.¹ USCIS often represents that it requires a complete A-File to process an application for naturalization, with the USCIS National Records Center (NRC) being responsible for sending A-Files to Field Offices which request them. Reports have surfaced that A-Files received by the NRC were backed up either because Field Offices could not yet schedule interviews for applicants, or because of a lack of staff at the NRC.

The lengthy waiting times for the processing of applications resulting from FRC issues create serious obstacles for LPRs that can ultimately prevent them from obtaining U.S. citizenship. As of January 2022, over 350,000 immigrant case file requests were pending with the NARA.² One organization in Washington State within our network reports having over 200 applications delayed by the situation at the FRC. Another organization in Massachusetts reports delays of over two years in some of their application cases. These are extremely long delays for LPRs who are waiting to become U.S. citizens and go well beyond the national average of 11.7 months.³ A different organization in Washington reported that one of their clients passed away during the long wait for the interview due to these delays. Additionally, organizations report that these processing delays have discouraged many eligible-to-naturalize LPRs from applying.

The delays at the FRC impose additional financial burdens for naturalization applicants for whom the cost to apply for naturalization is already prohibitive.⁴ As naturalization applicants wait longer and longer for their cases to be processed, many have to renew their expiring Permanent Resident Cards (Green Cards). Multiple coalition organizations report green cards expiring while naturalization applications were pending, putting LPRs in the position of having to pay at least an additional \$540 for renewal.⁵ Difficulties with travel, employment, and accessing services for applicants accompany these delays. Organizations report that the delays caused elderly refugees to lose their Social Security benefits, cutting off access to medical care and causing extreme financial hardship. Many qualified children have "aged out" and lost their opportunity to obtain derivative citizenship through their parents. Applicants and their families are living every day with uncertainties and burdens that affect every part of their lives because of processing delays.

¹ Michelle Hackman, "With Paperwork Locked Underground, Thousands of U.S. Citizenship Applicants Wait and Wait," *The Wall Street Journal*, January 11, 2022, <https://www.wsj.com/articles/with-paperwork-locked-underground-thousands-of-u-s-citizenship-applicants-wait-and-wait-11643025603>.

² Ibid.

³ "Historical National Median Processing Time (in Months) For All USCIS Offices for Selected Forms By Fiscal Year," USCIS, accessed March 2, 2022, <https://www.uscis.gov/n-400>.

⁴ \$725 if required to submit biometrics. "N-400, Application for Naturalization," USCIS, accessed June 23, 2021, <https://www.uscis.gov/n-400>.

⁵ Michelle Hackman, "With Paperwork Locked Underground, Thousands of U.S. Citizenship Applicants Wait and Wait," *The Wall Street Journal*, January 11, 2022, <https://www.wsj.com/articles/with-paperwork-locked-underground-thousands-of-u-s-citizenship-applicants-wait-and-wait-11643025603>.

Finally, the challenges resulting from the FRC-related delays in naturalization applications have been so great that some applicants have sought the help of their Congressional representatives to move their applications forward. Absent intervention from their Congressional representatives, many LPRs have found their applications stalled, without any information about when FRC issues will be resolved. For example, one United States Senator had to intervene on behalf of 25 LPRs applicants for naturalization to recover hard copies of immigration case files in the FRC's possession.⁶ Applicants should not have to resort to action by their Congressional representatives for the adjudication of their cases by USCIS.

Moreover, the need for LPRs to renew their green cards due to delays in naturalization increases USCIS' workload, adds to the current backlog of green card applications, and puts additional demands on USCIS staffing. This could undermine the progress USCIS is making in reducing naturalization backlogs and impair the agency's future backlog reduction work.

Considering the potentially devastating consequences of processing delays on applicants, and the detrimental impact on the efficiency of USCIS adjudications, we respectfully request more detailed information on the personnel situation at the FRC and the status of these delayed files. We are aware that USCIS has sent staff to work at the Center to assist with obtaining files, and it would be particularly helpful to learn more about other efforts to address staffing challenges.

As a nation, we have collectively seen and experienced the effects of the COVID-19 pandemic and we recognize the work that the USCIS and the NARA are doing to keep their workers and their communities safe during this time. However, while we greatly appreciate the progress made in resolving the problem of moving immigration case files from the FRC, we would like to reiterate how important it is to continue to actively address the delays and the difficulties brought on by the pandemic.

We know USCIS shares our vision of a naturalization process that works efficiently and adjudicates applications in a timely manner so that qualified applicants, our nation, and our communities can realize the benefits that U.S. citizenship confers. We ask that USCIS continue to do everything in its power to safely address the delays caused by access to the LPRs' A-Files at the FRC so that we can achieve this important goal. To achieve this goal, we recommend the following:

1. USCIS provide an automatic 12-month extension of the Green Card on receipt of an N-400, Application for Naturalization, similar to how Form I-797, the receipt notice of a Form I-90, Application to Replace Permanent Resident Card, can be used with an expired Green Card as evidence of LPR status.⁷
2. USCIS should reconsider the need for an applicant's complete A-File when adjudicating an N-400, Application for Naturalization. We understand USCIS requires a full A-File for

⁶ Shaun Boyd, "Sen, Michael Bennet Locates The Only Copy Of Colorado Woman's Immigration Papers – In A Cave," *CBS 4 Denver*, February 25, 2022, <https://denver.cbslocal.com/2022/02/25/michael-bennet-immigration-papers-federal-records-center/>.

⁷ "I-90, Application to Replace Permanent Resident Card (Green Card)," USCIS, accessed April 5, 2022, <https://www.uscis.gov/i-90> ("If you are applying to renew your Green Card, your Form I-90 receipt notice (also known as Form I-797) . . . can be used with your expired Green Card as evidence of your lawful permanent resident status.").

the purposes of adjudicating whether an applicant for naturalization has met the requirement for good moral character. However, we suggest that the Policy Manual and governing regulations provide more flexibility to the agency. Regardless, to avoid the prolongment of processing times, USCIS should adopt a policy to proceed with adjudicating an application when the FRC does not produce an applicant's A-File within a certain amount of time.

Thank you for your attention to the matters in this letter, and if you have any questions, please contact Rosalind Gold, Chief Public Policy Officer of the NALEO Educational Fund at RGold@naleo.org.

Sincerely,

Asian Americans Advancing Justice - Los Angeles
Asian Counseling and Referral Service
Boulder Valley Unitarian Universalist Fellowship Immigration Justice Task Force
Boundless Immigration
CASA, Inc
Catholic Legal Immigration Network
Central American Resource Center of California (CARECEN Los Angeles)
Chinese Information and Service Center (CISC)
Community Lawyers, Inc.
Emerald Isle Immigration Center
Esperanza Immigration Legal Services
Esperanza Legal Assistance Center
HIAS Pennsylvania
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Legal Resource Center
International Rescue Committee
Jewish Family and Children's Services
Latin American Coalition
Massachusetts Immigrant and Refugee Advocacy Coalition
Mujeres Latinas en Accion
NALEO Educational Fund
National Immigration Forum
National Partnership for New Americans
OneAmerica
Self—Help for the Elderly
South Asian Network
UnidosUS



**U.S. Citizenship
and Immigration
Services**

July 1, 2022

Rosalind Gold
Chief Public Policy Officer
NALEO Educational Fund
RGold@naleo.org

Dear Ms. Gold:

Thank you for your May 4, 2022 letter to the Department of Homeland Security. Secretary Mayorkas asked that I respond on his behalf.

I acknowledge the delays U.S. Citizenship and Immigration Services (USCIS) experienced receiving A-Files from the National Archives and Records Administration (NARA) Federal Records Centers (FRC) in the Kansas City-metropolitan area. Throughout the COVID-19 pandemic, USCIS has worked closely with NARA to address the backlog of file requests. Recently, this included detailing local USCIS employees to FRCs to pull USCIS A-Files. I refer you to NARA for more specific information regarding their current personnel situation at the Kansas City-area FRCs, but my understanding is they took significant steps at the beginning of calendar year 2022 to ensure the safe return of 100% of their staff back to the office, in addition to hiring temporary contract staff to assist with their backlogs, including the USCIS file request backlog. NARA leadership is in the best position to answer specific questions about their current operating status and staffing.

Because of these actions, I am pleased to report that as of June 27, 2022, the number of USCIS file requests pending with NARA is down to 7,569 from over 347,000 at the beginning of the calendar year. The total number of requests that have been pending over 150 days is 484 as of June 27, 2022, down from over 220,000 at the beginning of the calendar year. This is tremendous progress as a result of NARA and USCIS working together, and I am positive we will be back to normal response times on file requests this summer. Additionally, please be advised that USCIS is preparing Form N-400 cases for interview even without the A-File, so when the A-File is received, the case is ready to be sent to a field office for interview. We have seen an increase in our interview queues for N-400 adjudications which is also a positive indication of receiving files from NARA.

We appreciate your suggestions regarding an extension of the green card on the Form N-400 receipt notice and not requiring a full review of the A-File for adjudication of the Form N-400. We will take those recommendations into consideration.

Ms. Rosalind Gold
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Thank you again for your letter and interest in this important issue. Please share this response with the other organizations that cosigned your letter. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a long horizontal flourish.

Ur M. Jaddou
Director