

Sample Sentences for Written English Testing

Civics/History	Everyday Life
A Senator is elected for 6 years. _____ is the Vice President of the United States. All people want to be free. America is the land of freedom. All United States citizens have the right to vote. America is the home of the brave. America is the land of the free. _____ is the President of the United States. Citizens have the right to vote. Congress is part of the American government. Congress meets in Washington, D.C. Congress passes laws in the United States. George Washington was the first president. I want to be a citizen of the United States. I want to be an American citizen. I want to become an American so I can vote. It is important for all citizens to vote. Many people come to America for freedom. Many people have died for freedom. Martha Washington was the first first lady. Only Congress can declare war. Our Government is divided into three branches. People in America have the right to freedom. People vote for the President in November. The American flag has stars and stripes. The American flag has 13 stripes. The capital of the United States is Washington, D.C. The colors of the flag are red, white, and blue. The Constitution is the supreme law of our land. The flag of the United States has 50 stars. The House and Senate are parts of Congress. The people have a voice in Government. The people in the class took a citizenship test. The President enforces the laws. The President has the power of veto. The President is elected every 4 years. The President lives in the White House. The President lives in Washington, D.C. The President must be an American citizen. The President must be born in the United States. The President signs bills into law. The stars of the American flag are white. The Statue of Liberty was a gift from France. The stripes of the American flag are red and white. The White House is in Washington, D.C. The United States flag is red, white, and blue. The United States of America has 50 states. There are 50 states in the Union. There are three branches of Government.	He came to live with his brother. He has a very big dog. He knows how to ride a bike. He wanted to find a job. He wanted to talk to his boss. He went to the post office. His wife is at work right now. His wife worked in the house. I am too busy to talk today. I bought a blue car today. I came to _____ (city) today for my interview. I count the cars as they pass by the office. I drive a blue car to work. I go to work everyday. I have three children. I know how to speak English. I live in the State of _____. I want to be a United States citizen. It is a good job to start with. My car does not work. She can speak English very well. She cooks for her friends. She is my daughter, and he is my son. She needs to buy some new clothes. She wanted to live near her brother. She was happy with her house. The boy threw a ball. The children bought a newspaper. The children play at school. The children wanted a television. The man wanted to get a job. The teacher was proud of her class. The white house has a big tree. They are a very happy family. They are very happy with their car. They buy many things at the store. They came to live in the United States. They go to the grocery store. They have horses on their farm. They live together in a big house. They work well together. Today I am going to the store. Today is a sunny day. Warm clothing was on sale in the store. We are very smart to learn this. We have a very clean house. You cook very well. You drink too much coffee. You work very hard at your job.

Immigrant
Naturalization
Articles

Audrey Singer and Greta Gilbertson

Blurring the Welcome to Immigrants

The plans announced recently by the Immigration and Naturalization Service for reducing the backlog in processing applications couldn't have come at a better time. Whether the steps outlined—more hiring and better automation, greater flexibility in adjudicating cases—are enough to make a difference will be seen. What the steps will not immediately address are the frustration and dismay that immigrants are feeling.

Nearly 2 million immigrants have citizenship applications tied up in a backlog. The average waiting time for completion is 27 months, which the INS would like to pare to 12 months by the end of September. Immigrants who want to become U.S. citizens are getting mixed messages from the INS and the media—making the acquisi-

tion of citizenship a process of fear instead of celebration.

Message 1: Your green card is worth less now than when you got it—you had better become a citizen.

The 1996 Welfare Act put the government seal of approval on the tide of anti-immigrant sentiment that had been growing for several years. Ironically, this created a rush for citizenship by legal permanent residents. Historically there had been few legal distinctions between legal permanent residents and citizens, except for voting and political participation. Most immigrants lead lives that are nearly identical to those of citizens: working to support families, paying taxes, enrolling children in public schools and participating in religious

and social organizations.

However, when Congress passed the Welfare Act, millions of legal permanent resident immigrants were suddenly vulnerable. They immediately became ineligible for most social welfare benefits. Many immigrants, regardless of whether they received public benefits, recognized that this signaled a change in the way legal immigrants were viewed. They responded predictably by naturalizing in large numbers. Not all of them are in it for the access to benefits—many are naturalizing for more reasons than one, not the least of them for the conferral of equal footing with U.S.-born citizens.

The government's shift forced many immigrants to seek naturalization only to get the next message.

Message 2: You are becoming a citizen for the wrong reason.

Motivations for citizenship are different for these immigrants than they have been in the past. While it's unclear whether it is myth, reality or a mix, becoming a citizen has been idealized as a profoundly patriotic act. Current studies of citizenship acquisition show that immigrants are aware of the changing legislative conditions and political climate and are fearful of future implications. Most immigrants who are becoming citizens do so for a mix of practical reasons and not simply for access to welfare benefits. For example, no fewer than three federal programs dating back to 1992 have encouraged more immigrants to seek citizenship.

Forced or encouraged to become

citizens, then questioned about motivations, immigrants get the next message.

Message 3: Hurry up and wait.

The hurry-up-and-wait situation sends the message that the U.S. government is not taking immigrants' quest for citizenship seriously. It also serves to discourage other would-be citizens from applying. The long waiting times—often with no interim communication from the INS—are especially high in immigrant-heavy cities such as Los Angeles, New York and San Francisco. The recent announcement of the hiring of 300 new staff and conversion of 300 temporary positions to permanent ones will help expedite applications.

Naturalization is voluntary on the

part of immigrants but involves a mutual obligation on the part of both the new citizens and the host society to work together on settlement and incorporation. Instead of mixed messages, the INS needs to send a clear signal that the United States welcomes immigrants as full members of U.S. society and on the path to citizenship, that we will treat them with the same respect as other U.S. citizens.

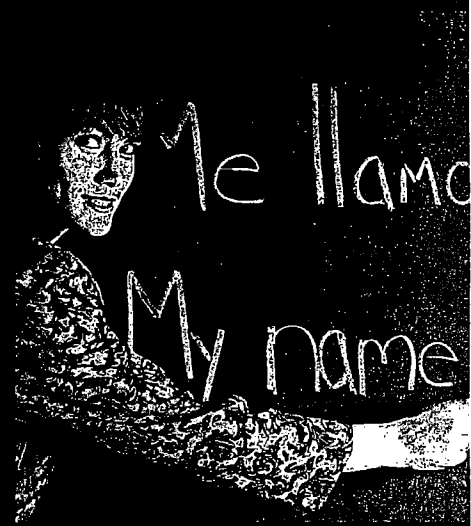
Audrey Singer is an associate with the Carnegie Endowment for International Peace. Greta Gilbertson is an associate professor at Fordham University. Both writers were Open Society Fellows in 1998.

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a publication.

Publications have not been scanned in their entirety for the purpose of digitization. To see the full publication please search online or visit the Clinton Presidential Library's Research Room.



From Newcomers to New Americans:

*The Successful Integration
of Immigrants into American Society*

Published by the National Immigration Forum
Authored by Gregory Rodriguez

Newcomers still become Americans

America seems to be suffering from an identity crisis of late. Almost with every passing day, America is splintering into disparate factions divided by ethnicity, race, language and income. There was more than a little irony to Vice President Al Gore's famous slip a few years ago when he said that "e pluribus unum" means "out of one, many."

Has the traditional concept of Americanization been nudged aside by multicultural fervor? As John Miller of National Review points out in his insightful book "The Unmaking of Americans," our modern institutions and many of our intellectual elites often put more emphasis on "e pluribus" than on the "unum." Through programs such as bilingual education, racial and ethnic quotas, and multiculturalism, we seem to mistakenly celebrate our separateness more than the ties that bind us together as a nation. Such policies emphasize group entitlement not individual achievement.

As set forth by the Founding Fathers, our common bond as Americans is not our ethnicity but our shared values: our respect for freedom and the self-evident right of every citizen to pursue life, liberty and the pursuit of happiness.

For those who share those values, no matter from which corner of the globe they come from, America, thankfully still hangs a welcome sign on the Statue of Liberty. The foreign-born sometimes make the best U.S. citizens and patriots precisely because they are here not by birthright, but by choice — a conscious decision to uproot themselves from their homeland and seek out a land of unrivaled freedom and opportunity. Even in this cynical day and age, it is not uncommon for the world's "tempest tossed" to kiss the ground when they arrive here. Anyone who has attended a citizenship ceremony can attest to the tears of joy these events incite among the new Americans.

With the United States now admitting just under 800,000 immigrants every year, it is natural and sensible to wonder whether these newcomers are Americanizing as they should. Is this too many immigrants for the nation — and especially highly impacted states like California — to digest all at once. The emergence of burgeoning ethnic enclaves in Los Angeles, for example, seem to indicate that we are not just importing people but transplanting whole cities of foreigners to the United States.

Fortunately, these fears are mostly unfounded. A new study from the National Immigration Forum by scholar Gregory Rodriguez of the Pepperdine Institute for Public Policy indicates that the assimilation process has not broken down. Mr. Rodriguez cuts through the emotion of the issue and presents

some compelling facts to document this surprising conclusion. Today's immigrants have high rates of homeownership; they are becoming citizens in record numbers; and perhaps the ultimate sign of cultural assimilation is that they are marrying outside their own ethnic group at very high rates.

Within 10 years, almost 60 percent of immigrants speak English well or very well. More importantly, some 90 percent of the children of immigrants speak English. It is virtually impossible for immigrants to preserve the dominance of their native language for more than one generation — with the exception of Spanish, which has become a durable second language.

My own research finds similar patterns with respect to what we might call the "economic assimilation" of immigrants and refugees.

Within 10 to 15 years in the United States, immigrants typically catch up to the earnings levels of American-born workers, and then often surpass them. Immigrants also have a high propensity to start new businesses here.

Certainly the assimilation process does not always run smoothly. But despite the romantic vision of our past, the truth is that it never has. In Chicago where I grew up, there were whole neighborhoods where the predominant language was Polish, Italian or Spanish. In some cities in Wisconsin, at the turn of the century, German was the de facto official language. Successfully assimilating newcomers has been the eternal struggle of this nation.

Somehow, remarkably, we have muddled through — yesterday and today.

This, in fact, is what makes the United States unique from all other nations. To paraphrase Ronald Reagan's message one Fourth of July a decade and a half ago: You can go to France and never become a Frenchman. You can move to Germany, but never become a German. America is the only nation you can come to and actually become an American.

Yet we increasingly hear pleas that immigrants should preserve and even promote their ethnic and linguistic heritage and resist the cultural hegemony of Americanization. Those on the left who advise that immigrants shouldn't assimilate are just as misguided as those on the right who say that immigrants won't assimilate. The evidence suggests that our newest Americans themselves understand full well that the process of assimilation is not just beneficial to them but to the social fabric of the nation as well. It is reassuring to know that the melting pot is still working.

Stephen Moore is an economist at the Cato Institute.



National Immigration Forum

Board of Directors Officers

Sid L. Mohn, Chair
*Heartland Alliance for Human
Needs & Human Rights*

Diana Aviv, Vice-Chair
Council of Jewish Federations

Arturo Vargas, Treasurer
*National Association of Latino
Elected and Appointed Officials
Educational Fund*

Margie McHugh, Secretary
New York Immigration Coalition

Directors

Julie Anbender
Burson Marsteller

Jeanne Butterfield
*American Immigration
Lawyers Association*

Oscar Chacon
*Centro Presente/Salvadoran
American National Network*

Muzaffar Chishty
*Union of Needletrades,
Industrial and Textile Employees*

Susan Drake
*National Immigration
Law Center*

Mark Franken
*Migration and Refugee
Services, United States
Catholic Conference*

Maricela Garcia
*Illinois Coalition for Immigrant
and Refugee Rights*

Lucas Guttentag

Mark Handelman
*New York Association for
New Americans*

Muriel Heiberger
*Massachusetts Immigrant and
Refugee Advocacy Coalition*

Bill Ong Hing
*University of California at
Davis, School of Law*

Chung-Wha Hong
*National Korean American
Service & Education Consortium*

Mary McClymont
Ford Foundation

Stephen Moore
Cato Institute

Joel Najar
National Council of La Raza

Ana Navarro
*Executive Office of the
Governor, State of Florida*

Miguel Santana
*Office of Los Angeles County
Supervisor Gloria Molina*

Rick Swartz
*Swartz & Associates/
The Public Strategies Group*

Emily Tynes
*Communications Consortium
Media Center*

Sanford Ungar
*School of Communication,
The American University*

Roger Winter
*Immigration and Refugee
Services of America*

Executive Director

Frank Sharry

organizations listed for
identification purposes only

July 30, 1999

Dear Friend of the Forum:

We are pleased to send you our groundbreaking new study entitled, *From Newcomers to New Americans: The Successful Integration of Immigrants into American Society* authored by Gregory Rodriguez, a fellow at the New America Foundation and a research scholar at the Pepperdine Institute for Public Policy.

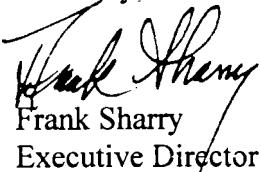
The study finds that contemporary immigrants assimilate into society much the same way earlier waves of newcomers did. As the author explains, "Assimilation is not about immigrants rejecting their past, but about people of different racial, religious, and cultural backgrounds coming to believe that they are part of an overarching American family."

The study focuses on four areas considered indicators of an immigrant's commitment to American society—citizenship, homeownership, English language acquisition, and intermarriage. Among the study's findings:

- Citizenship - The longer immigrants reside in the United States, the more likely they are to become U.S. citizens. In 1990, more than three-quarters (76.4%) of immigrants who had resided in the U.S. for forty years were naturalized.
- Homeownership - Immigrants are making significant strides toward homeownership. Within twenty years of arrival in the U.S., more than six out of ten (60.9%) owned their own homes in 1990.
- English Language Acquisition - Within ten years of arrival, a little more than three-quarters (76.3%) of immigrants spoke English with high proficiency. With second and third generations, virtually all children of immigrants spoke English well, very well, or exclusively.
- Intermarriage - Both foreign-born Asians and foreign-born Hispanics have higher rates of intermarriage than do U.S.-born whites and blacks.

Despite the rhetoric surrounding the debate of whether immigrants are, or in fact should, assimilate, this study proves that immigrants are slowly, sometimes painfully, but quite assuredly, embracing the language, cultural norms, and loyalties of America. We encourage you to call us with any questions or comments at (202) 544-0004.

Sincerely,


Frank Sharry
Executive Director

Press Coverage
of
From Newcomers to New Americans: The Successful Integration
of Immigrants into American Society
as of July 30, 1999

News Stories

The Asian Wall Street Journal
Associated Press
AP Online
The Baltimore Sun
Buffalo News
The Courier-Journal Louisville
Daytona Beach News Journal
The Dallas Morning News
The Economist
Exito, Chicago
Hispanic Link
La Opinion
La Reforma, Mexico City
The Las Vegas Review-Journal
Los Angeles Daily News
Los Angeles Times
Newsday
The New York Times
Portland Oregonian
The Record, Northern New Jersey
The San Diego Union-Tribune
St. Paul Pioneer Press
The Tampa Tribune
The Times-Picayune
USA Today
Ventura County Star, California
The Washington Post
The Washington Times

Editorials

Los Angeles Times
Newsday
The Tampa Tribune
The Wall Street Journal

Television

CBS Telenoticias
Cable News Network (CNN)
Century Cable, Santa Monica
KCET-PBS, Los Angeles
Univision

Radio

KHLA Houston
KKLA Los Angeles
KURV South Texas
KPPC Pasadena
KRLA Los Angeles
KNX Los Angeles
KFWB Los Angeles
KCRW Santa Monica (NPR Affiliate)
KPFK Pacifica radio
KRLA Michael Jackson Show, Los Angeles
KCBS San Francisco
1010 K News El Paso

THE WALL STREET JOURNAL.

© 1999 Dow Jones & Company, Inc. All Rights Reserved.

TUESDAY, JULY 6, 1999

At Home Here

A century and a half ago, likely surveying Manhattan from Brooklyn Heights, Walt Whitman wrote of America that it was "a race of races," one people made of many. Today this is true to a greater degree than it was in pre-Civil War America. As this most American of weekends draws to a close, we pause to applaud this era's immigrants, people who have struggled successfully to make America their own.

How successfully comes clear in a paper for the National Immigration Forum, a Washington-based policy group. Prepared by scholar and journalist Gregory Rodriguez, the study takes the long view, using various census data and annual surveys to quantify the steady progress of those who have arrived on our shores in the past 50 years. The findings do much to confound the nativist stereotype of the permanent foreigner, socially costly, unwilling to assimilate and threatening to more traditional American ways.

Consider the very first step toward becoming an American: language. The common horror story tells of immigrants who, after decades in New York or Los Angeles, still live their lives entirely in their mother tongue. But this, Mr. Rodriguez found, is a rarity; within 10 years of coming to the United States, more than three-quarters of immigrants spoke English well or very well. To be sure, the rate of language acquisition varies: 92% of Vietnamese who arrived here between 1970 and 1974 spoke English well or very well by 1990. For Hispanics, the rate is slower.

But in the end, all newcomers learn. Fewer than 2% of immigrants who had been here 40 years—a lifetime—spoke no English at all. As for the children and grandchildren of immigrants, virtually all of them manage to learn to

speak English proficiently. This is due in part to what Mr. Rodriguez calls "the Bugs Bunny factor"—television.

Next comes home-buying, that universal measure of success. The 1990 data found five out of 10 immigrants owning their own home, compared with a seven-in-10 rate for those born on our shores. Most immigrants view these houses as a proud emblem of their new identity. Mr. Rodriguez quotes Ben Monterroso, who came from Guatemala in 1977 and bought his first house in 1985: "Now that I have a home, I can say that my family owns a little piece of America."

Then there is the ultimate symbol, citizenship. Some variances pop up here as well. Filipinos, Koreans, Chinese, Indians and emigrés from the former Soviet Union all naturalize at a faster rate than Mexicans or Salvadorans. But the longer Latin Americans are in the States, the more likely they too are to become citizens. And, over time, *all* immigrants tend to become Americans: a full nine out of 10 immigrants who arrived in the 1940s were citizens by 1990. Says Ecuadorian-born Macarena Tamayo-Calabrese, "For immigrants like me, becoming a citizen is final confirmation that we are an intricate part of the American fabric." Ms. Tamayo-Calabrese's excitement over the American system of government led her to become an attorney.

The NIF Study is based on the 1990 census, still the standard for such demographic work. But the annual updates that appear in the Current Population Survey reflect much the same story: continued progress by a body of people who have succeeded, through hard work and good will, in making themselves a valuable addition to a larger America.

1997
REPORT TO
CONGRESS

U.S. COMMISSION ON IMMIGRATION REFORM
2430 E STREET NW, SOUTH BUILDING
WASHINGTON, DC 20037
202-776-8400

U.S. COMMISSION ON IMMIGRATION REFORM

Becoming an American



Becoming an American: Immigration and Immigrant Policy

degradation and the Haitian government's unwillingness to act in the interest of the general population."²⁴

Stabilizing economic growth and democracy may be an effective means of reducing migration pressures. The Commission for the Study of International Migration and Cooperative Economic Development²⁵ concluded that, over the long run of a generation or more, trade and investment are likely to reduce migration pressures. Supporters of the North American Free Trade Agreement [NAFTA] argued that NAFTA-related development eventually will reduce unauthorized Mexican migration. The U.S. has provided the reinstalled democratically-elected government of Haiti with a great deal of rehabilitation assistance that should aid the stability of that country.

CONCLUSION

Properly-regulated immigration and immigrant policy serves the national interest by ensuring the entry of those who will contribute most to our society and helping lawful newcomers adjust to life in the United States. It must give due consideration to shifting economic realities. A well-regulated system sets priorities for admission; facilitates nuclear family reunification; gives employers access to a global labor market while protecting U.S. workers; helps to generate jobs and economic growth; and fulfills our commitment to resettle refugees as one of several elements of humanitarian protection of the persecuted.

²⁴ Catanese, A. 1990/91. *Haiti's Refugees: Political, Economic, Environmental*. (Paper 17). San Francisco: Natural Heritage Institute; Indianapolis: Universities Field Staff International.

²⁵ The Commission for the Study of International Migration and Cooperative Economic Development. 1990. *Unauthorized Migration: An Economic Development Response*. Washington, DC.

AMERICANIZATION AND INTEGRATION OF IMMIGRANTS

A DECLARATION OF PRINCIPLES AND VALUES

Immigration to the United States has created one of the world's most successful multiethnic nations. We believe these truths constitute the distinctive characteristics of American nationality:

- American unity depends upon a widely-held belief in the principles and values embodied in the American Constitution and their fulfillment in practice: equal protection and justice under the law; freedom of speech and religion; and representative government;
- Lawfully-admitted newcomers of any ancestral nationality—without regard to race, ethnicity, or religion—truly become Americans when they give allegiance to these principles and values;
- Ethnic and religious diversity based on personal freedom is compatible with national unity; and
- The nation is strengthened when those who live in it communicate effectively with each other in English, even as many persons retain or acquire the ability to communicate in other languages.

As long as we live by these principles and help newcomers to learn and practice them, we will continue to be a nation that benefits from substantial but well-regulated immigration. We must pay attention

to our core values, as we have tried to do in our recommendations throughout this report. Then, we will continue to realize the lofty goal of *E Pluribus Unum*.¹

The Commission reiterates its call for the Americanization of new immigrants.

AMERICANIZATION

The Commission reiterates its call for the Americanization of new immigrants, that is the cultivation of a shared commitment to the American values of liberty, democracy and equal opportunity. The U.S. has fought for the principles of individual rights and equal protection under the law, notions that now apply to all our residents. We have long recognized that immigrants are entitled to the full protection of our Constitution and laws. The U.S. also has the sovereign right to impose appropriate obligations on immigrants.

In our 1995 report to Congress, the Commission called for a new commitment to Americanization. In a public speech that same year, Barbara Jordan, our late chair, noted: "That word earned a bad reputation when it was stolen by racists and xenophobes in the 1920s. But it is our word, and we are taking it back." Americanization is the process of integration by which immigrants become part of our communities and by which our communities and the nation learn from and adapt to their presence.

This process enhances our unity by focusing on what is important, through acknowledging that the many real differences among us as individuals do not alter our essential character as a nation.

¹ Our national motto, *E Pluribus Unum*, "from many, one," was originally conceived to denote the union of the thirteen states into one nation. Throughout our history, *E Pluribus Unum* also has come to mean the vital unity of our national community founded on individual freedom and the diversity that flows from it.

This Americanization process depends on a set of expectations that the United States, which chooses to invite legal immigrants, legitimately has of newcomers. It applies equally to the expectations immigrants legitimately have of their new home.

The Commission proposes that the principles of Americanization be made more explicit through the covenant between immigrant and citizens. These principles are not mere abstractions. They can form a covenant between ourselves and immigrant newcomers. As President Johnson eloquently stated in 1965:

They came here—the exile and the stranger. . . . They made a covenant with this land. Conceived in justice, written in liberty, bound in union, it was meant one day to inspire the hopes of all mankind; and it binds us still. If we keep its terms, we shall flourish.

We have not always abided by its terms, but the ideal of a covenant between immigrant and nation still captures the essence of Americanization. Immigrants become part of us, and we grow and become the stronger for having embraced them. In this spirit, the Commission sees the covenant between immigrants and ourselves as:

Voluntary. Immigration to the United States—a benefit to both citizens and immigrants—is not an entitlement and Americanization cannot be forced. We as a nation choose to admit immigrants because we find lawful immigration serves our interests in many ways. Likewise, no one requires immigrants to come here or to become citizens; they choose to come and, if they naturalize, they choose to become a part of our polity.

Mutual and reciprocal. Immigration presents mutual obligations. Immigrants must accept the obligations we impose—to obey our laws, to pay taxes, to respect other cultures and ethnic groups. At the same time, citizens incur obligations to provide an environment in which newcomers can become fully participating members of our society. We must not exclude them from our community nor bar them from the polity after admission. This obligation to immigrants by no means excuses us from our obligations to our own disadvantaged populations. To the extent that immigration poses undue burdens on our communities, our citizenry, or immigrants themselves, we have an obligation to recognize and address them.

Thus the United States assumes an obligation to those it admits, as immigrants assume an obligation to this country they chose. Having affirmatively admitted the newcomer, the federal government necessarily extends civic and societal rights. Unfortunately recent legislative changes effectively have excluded immigrants from the public safety net until such time as they become naturalized citizens. This Commission previously recommended against such action. We believe it is likely that these changes will lead to greater problems both for immigrants and for the communities in which they live. Legislation that leads immigrants to seek citizenship to protect eligibility for social benefits, rather than out of commitment to our polity, provides the wrong incentive. The effect is not to exalt citizenship, but to diminish it.

Individual, not collective. The United States is a nation founded on the proposition that each individual is born with certain rights and that the purpose of government is to secure these rights. The United States admits immigrants as individuals (or individual members of families). As long as the United States continues to emphasize the rights of individuals over those of

groups, we need not fear that the diversity brought by immigration will lead to ethnic division or disunity. Of course, the right to assemble and join with others is a fundamental right of all Americans, immigrants included. However, unlike other countries, including those from which many immigrants come, rights in the United States are not defined by ethnicity, religion, or membership in any group; nor can immigrants be denied rights because they are members of a particular ethnic, religious, or political group.

The Commission believes that the federal government should take the lead and invite states and local governments and the private sector to join in promoting Americanization. For example, "I Am an American Day" was once widely celebrated in public schools and local communities. Recent immigration legislation mandates naturalization ceremonies on the 4th of July. While the federal government cannot and should not be the sole instrument of Americanization, it can provide important leadership in supporting the implementation of programs designed to promote full integration of newcomers.

To help achieve full integration of newcomers, the Commission calls upon federal, state, and local governments to provide renewed leadership and resources to a program to promote Americanization that requires:

- Developing capacities to orient both newcomers and receiving communities;
- Educating newcomers in English language skills and our core civic values; and
- Revisiting the meaning and conferral of citizenship to ensure the integrity of the naturalization process.

ORIENTATION

The Commission recommends that the federal government take an active role in helping newcomers become self-reliant: orienting immigrants and receiving communities about their mutual rights and responsibilities, providing information they need for successful integration, and encouraging the development of local capacities to mediate when divisions occur between groups.

The Commission recommends that the federal, state, and local governments take an active role in helping newcomers become self-reliant: orienting immigrants and receiving communities as to their mutual rights and responsibilities, providing information they need for successful integration, and encouraging the development of local capacities to mediate when divisions occur between groups. Information and orientation must be provided both to immigrants and to their receiving communities. The experience of "newcomer schools" is that providing coordinated information and advice on life in the United States accelerates the integration of newcomers, which, in turn, decreases the negative impacts on communities. Information on expected impacts and successful programs can help localities foster immigrant integration and mediate differences to avoid community conflicts.

More specifically, to integrate into American society, immigrants need information on their legal rights and obligations, on American core civic beliefs, on how to access services, and on immigration-related requirements. Communities require information on the numbers and characteristics of immigrants arriving in their midst, the eligibility of newcomers for various services, the legal responsibilities of state and local government agencies, and similar matters. The Commission believes the federal government should help immigrants and local communities by:

- Giving orientation materials to legal immigrants upon admission that include, but are not limited to: a welcoming greeting; a brief discussion of U.S. history, law, and principles of U.S. democracy; tools to help the immigrant locate and use services for which they are eligible; and other immigration-related information and documents. All immigrants would receive the same materials. The packets

would be available in English and the main immigrant languages. It is not the Commission's intent to prescribe all parts of an orientation packet but, rather, to suggest the most important information and key resources that should be included.

Welcoming statement. The Welcoming Statement would congratulate immigrants on their decision to become permanent residents of the United States. It also would summarize the basic principles that all Americans embrace.

Example of a Welcoming Statement

Congratulations on your decision to immigrate to the United States of America. Best wishes for a successful settlement in your new home. This is a proud country of individual freedom, opportunity, and diversity with a long tradition of immigration. Finding success and opportunity in the United States can be difficult. We realize that immigrants face many challenges as they become self-reliant, such as learning a new language and adjusting to new circumstances. The U.S. has learned from its tradition of immigration that patience, tolerance, and adaptability are required from each and every one of us.

Basic American principles that you are asked to embrace include: a commitment to serve the best interests of the United States and the community in which you live; knowledge of and respect for our laws and democratic institutions; respect for freedom of speech and religion; and a commitment not to discriminate against others on the basis of nationality, race, sex, or religion. The excerpts from the U.S. history and law section of your orientation packet should serve to illustrate the meaning of these important principles.

We the people of the United States welcome you

Example of Documents on the Founding Principles

On July 4, 1776, the Continental Congress adopted a Declaration drafted by Thomas Jefferson that defined the commitment of a new nation to the principles of liberty and justice for all:

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed. . . .

The greatest contradiction in the new nation's founding was the institution of human slavery, which ended only after a bloody civil war (1860-1864). After the decisive battle at Gettysburg, in 1863, Abraham Lincoln dedicated the cemetery, ending with these words:

[W]e here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.

After the Civil War, the effort to live up to the promises of the founding principles intensified. In 1872, Susan B. Anthony was arrested for attempting to vote in a Presidential election. Her speech on the rights of women was an important step toward gaining women the vote:

The preamble of the federal Constitution says . . . It was we, the people; not we, the white male citizens; nor yet we, the male citizens; but we, the whole people, who formed the Union. And we formed it, not to give the blessings of liberty, but to secure them; not the half of ourselves and our posterity; but to the whole people—women as well as men.

Way into the twentieth century, the founding principles continue to challenge Americans. In 1963, the Reverend Dr. Martin Luther King, Jr. led a peaceful March on Washington, and spoke on the steps of the Lincoln Memorial in the cause of civil rights.

When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness. . . .

I have a dream that one day this nation will rise up and live out the true meaning of its creed. "We hold these truths to be self-evident; that all men are created equal. . . . I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character. . . . And if America is to be a great nation this must become true.

U.S. history, law, and principles of democracy. This would include a brief history of the United States and of the principles listed in the welcoming statement, followed by excerpts from relevant historical documents. It would stress that American civic culture is based on a trust in ordinary people's ability to govern themselves through their elected representatives who are then accountable to the people, on the right of all members of the polity to participate in public life as equals, and on the freedom of individual members of the community to differ from each other in religion and other private matters.

Tools for settlement. This section would emphasize the development of self-reliance. It would include general information and checklists to aid immigrants in finding and using services in their community that may help them in developing economic independence.

Example of Tools for Settlement

What to expect upon immigration: information to orient newcomers on federal policies and services, such as a pre-/ post-arrival checklist on admissions, information for those adjusting status on new rights and responsibilities as permanent residents, reminder to register for military service if necessary, the role of government agencies and service providers; consumer protection and tax policies;

How to secure basic needs: information on housing, employment, education and language training, health, transportation, police and fire protection, managing finances, and cultural adjustment;

Finding assistance and advice: telephone numbers for the local information clearinghouses, government agencies; documents listing weight and measurement conversions, U.S. holidays, instructions in using the telephone and postal systems; a U.S. map;

Getting involved in the community: listings of community organizations (e.g., civic, sports, arts) and volunteer opportunities.

Immigration information and documents. This section would provide necessary immigration forms, information on naturalization, and a card for non-English-speaking immigrants to indicate their need for an interpreter.

■ **Encouraging state governments to establish information clearinghouses in major immigrant receiving communities.**

The Commission recommends that the federal government provide modest incentive grants to states to encourage them to establish and maintain local resources that would provide information to immigrants and local communities. For example, local information clearinghouses could provide information to immigrants on rights and responsibilities, naturalization, education and training, and the world of work. They could have materials available on tenant law and renter/landlord rights and responsibilities. They could spell out how U.S. family law (regarding marriage and prohibiting spouse and child abuse, polygamy, and female genital mutilation, etc.) may differ from other cultures. They could provide information on public life (driving, insurance, hunting/fishing licences, law enforcement, consumer protection, etc.). They could also provide information to local public and private organizations about immigrants, e.g., documentation, culture/background, eligibility status for programs, work authorization verification.

The resource centers could develop, translate and disseminate materials; foster partnerships among immigrant interest groups, ethnic churches, and service providers (advisory boards, taskforces, planning boards, coalitions); and develop volunteer networks in immigrant communities to help newly-arriving immigrants. These efforts could help reduce community tensions arising from immigration by providing

accurate information and helping communities find ways to mediate these tensions. The resource centers could also provide information on model programs implemented by businesses, service agencies, and others.

The Office of Refugee Resettlement in the Department of Health and Human Services, which already provides funding for refugee services, could administer this grant program. Each state receiving funds would designate the local structure through which the funding would be administered as part of its application for funds. Some states are likely to designate the state refugee coordinator's office, but others may designate the state education department. States had similar flexibility when they received funds under the State Legalization Impact Assistance Grant [SLIAG] program.

These already-existing structures could easily integrate the proposed services with only modest financial increments. Based on its consultations, the Commission believes that an annual appropriation of \$30-35 million would cover development of orientation materials and underwrite services in forty to fifty targeted communities. The monies should be administered flexibly, not as a formula to each state. Targeted areas should include those with historically significant numbers of immigrants as well as communities experiencing a sudden growth in immigrant arrivals. (In Garden City, Kansas, for example, the Commission observed how the arrival of new meatpacking plants changed the population from one with few foreign-born residents a decade ago to one with a sizeable immigrant component today.)

Project Vida in El Paso provides medical services to the Latino border community. Funded by the Presbyterian Church and public/private grants and contracts, Vida developed "one-stop shopping" for primary health care, education, housing, and other social services. It built 20 affordable rental units, and helped to generate an increase in local elementary school reading scores.

The Fannie Mae Foundation built a model public/private initiative with community-based organizations, public officials, and lenders to facilitate home ownership and naturalization for immigrants.

- **Promoting public/private partnerships to orient and assist immigrants in adapting to life in the United States.** The Commission previously has called for a renewed public/private partnership in the Americanization of immigrants. While the federal government makes the decisions about how many and which immigrants will be admitted to the United States, the actual process of integration takes place in local communities. Local government, schools, businesses, religious institutions, ethnic associations, and other groups play important roles in the Americanization process.

The Commission urges the federal government to assemble leaders from the public and private sectors at the federal, state, and local levels to discuss ways to invigorate a public/private partnership to promote Americanization. The participants should include representatives of state and local educational systems, businesses, labor, local governments, and community organizations. The meeting would address ways to enhance resources for instruction in English language acquisition, civic understanding, and workplace skills. The federal grant program described above also could help promote more coordinated efforts at the local level by establishing advisory structures representing the various public and private institutions with interest in immigration matters.

EDUCATION

Education is the principal tool of Americanization. Local educational institutions have the primary responsibility for educating immigrants. However, there is a federal role in promoting and funding English language acquisition and other academic programs for both immigrant children and adults.

The Commission urges a renewed commitment to the education of immigrant children. The number of school-aged children of immigrants is growing and expected to increase dramatically. These children, mostly young, speak more than 150 different languages; many have difficulty communicating in English. They are enrolled in public schools as well as in secular and religious private schools through the country.

In addition to the problems other students have, immigrant children face particular problems in gaining an education—often because of language difficulties. The 1990 Census shows that 87 percent of immigrant children attended high school as compared to 93 percent of natives. More than one-fourth of Mexican immigrant youth between ages 15 and 17 were not in school in 1990. While some dropped out, others never "dropped in" to school in the first place.

Immigrant children often come from countries with customs, traditions, and social and governmental structures that differ from those they encounter in the U.S.; some have little or no formal education and no understanding of the American school system; some arrive with personal experiences of trauma and war; many older children come from countries where school ends at a younger age; many experience lengthy delays in being mainstreamed into regular English-speaking classes; and some do not receive appropriate-level instruction in other academic subjects while they are learning English.

Immigrant children also bring strengths to American society. For example, their native-language skills contribute to building the future multilingual workforce needed in a global economy; sharing of their cultural heritage will promote the sensitivity of that workforce as it interacts in a worldwide marketplace. Many immigrant children who enroll in school and then remain to graduate do well academically. These immigrant children are more likely than natives

The Commission urges a renewed commitment to the education of immigrant children.

The Commission emphasizes that rapid acquisition of English should be the paramount goal of any immigrant language instruction program.

to prepare for, attend, and complete college.² The key, however, is helping them achieve sufficient English proficiency to be able to participate.

The Commission emphasizes that rapid acquisition of English should be the paramount goal of any immigrant language instruction program. English is the most critical of basic skills for successful integration. English can be taught to children in many ways. Effective programs share certain common characteristics. Based on a review of these programs, the Commission emphasizes the need to:

- **Conduct regular evaluations of students' English competence and their ability to apply it to academic subjects.** Such evaluations will ensure placement of immigrant children into regular English-speaking classes as soon as they are prepared. Regular evaluation also will highlight strengths and weaknesses in educational programs and provide insight on improvements that are needed to ensure timely English acquisition.
- **Collect and analyze data regularly on students, their linguistic and academic performance, and the method of instruction.** Presently, federal, state, and local governments fail to collect and analyze adequate, uniform, data on bilingual and other forms of English instruction. Such failure hinders overall evaluation and the responsible allocation of government funds. A 1997 National Research Council

² Venez, G.; Abrahamse, A. 1996. *How Immigrants Fare in U.S. Education*. Santa Monica: RAND. Rumbaut, R.G.; Cornelius, W.A. 1995. *California's Immigrant Children: Theory, Research, and Implications for Educational Policy*. San Diego: Center for U.S. Mexican Studies.

report³ pointed out the need for new systems to support data collection and research in this area. The NRC recommended establishment of a new Department of Education Advisory Committee on Research on English-Language Learners, urged the National Center for Education Statistics to take the lead in collecting data on students and programs, and recommended that the Office of Bilingual Education and Minority Language Affairs take the lead in developing and evaluating programs to enhance teacher development.

- **Include appropriate grade-level instruction in other academic disciplines.** Coordination with teachers, curricula, and instruction outside of English acquisition will promote students' mastery of regular subject matter while they learn English.
- **Involve parents of immigrant students in their schooling.** A characteristic of many of the most successful language acquisition programs is the active involvement of parents in the education of their children. Such "family literacy" models include programs that promote frequent parent-teacher conferences and that also encourage non-English-speaking parents to enroll in English as a Second Language [ESL] programs. Some of the adult programs are offered at the local school in the evenings.

The Commission encourages programs that are responsive to the needs of immigrant children and an orientation to United States school systems and the community, such as we have seen in "newcomer schools." Newcomer schools must not isolate immigrant newcomers.

³ National Research Council (August, D; Hakuta, K. eds.). 1997. *Improving Schooling for Language-Minority Children: A Research Agenda*. Washington, DC: National Academy Press.

Seattle's Sharples Center teaches refugee students with limited or no English proficiency in grades six through twelve. They are grouped by English language ability, not age. Because of high demand, they usually can stay for only six months or less. The program focuses on preventing subsequent low academic performance and also preventing the high dropout rates that occur when students with limited English proficiency are mainstreamed too soon.

The Commission encourages programs that are responsive to immigrant children's needs and an orientation to United States school systems and the community.

San Francisco's Newcomer High School was the nation's first high school devoted entirely to immigrants. Students with less than six years of education and/or poor English skills may attend for up to a year of intensive instruction based on their English ability rather than on their age. Before they are mainstreamed, students are taken to see their new school and meet their new teachers.

The Commission recommends the revival and emphasis on instruction of all kindergarten through grade twelve students in the common civic culture that is essential to citizenship.

Instead, they must be transitional and actively promote the timely integration of students into mainstream schools. Successful programs recognize the special needs of immigrant children, particularly refugees. They share information among resettlement programs and school administrators and among English acquisition and regular classroom teachers. Along with English and other academic subjects, newcomer schools teach basic school survival and living skills (such as how the local transportation system works and how to shop for food) and develop intercultural communications. Some also provide access to a wide range of support services, such as health screenings and immunizations.

The Commission recommends the revival and emphasis on instruction of all kindergarten through grade twelve students in the common civic culture that is essential to citizenship. An understanding of the history of the United States and the principles and practices of our government are essential for all students, immigrants and natives alike. Americanization requires a renewed emphasis on the common core of civic culture that unites individuals from many ethnic and racial groups. Civics instruction teaches students both the responsibilities and the rights of United States citizenship. Civics education also can help immigrant students turning eighteen to prepare for naturalization. The Commission recommends that local school boards institute civics programs that:

- Teach that the U.S. is united by the constitutional principles of individual rights and equal justice under the law;
- Restore the emphasis on such traditional American leaders as Washington, Jefferson, and Lincoln, who defined the American promise of liberty and equality for all, and incorporate other heroes and heroines, such as Sojourner Truth, Susan B. Anthony, Martin Luther King, Jr., Franklin

Roosevelt, and Barbara Jordan, who expanded their promise to all Americans;

- Stress the importance of civic holidays and of American symbols and rituals, for example, the flag and the Pledge of Allegiance.

Civics instruction in public schools should be rooted in the Declaration of Independence, the Constitution—particularly the Preamble, the Bill of Rights, and the Fourteenth Amendment. Emphasizing the ideals in these documents is in no way a distortion of U.S. history. Instruction in the history of the United States, as a unique engine of human liberty notwithstanding its faults, is an indispensable foundation for solid civics training for all Americans.

The Commission emphasizes the urgent need to recruit, train, and provide support to teachers who work with immigrant students.

There is a disturbing shortage of qualified teachers for children with limited English proficiency, of teacher training programs for producing such teachers, and of other support for effective English acquisition instruction. More than 50 percent of teachers in current bilingual education programs have no formal education in teaching students with limited English skills. Teachers are often unprepared and untrained in understanding how the cultural background and experiences of immigrant children may affect their ability to learn. They need to understand that while many students quickly acquire skill in using and understanding English in social situations, acquiring academic proficiency in English takes longer.

All teachers of immigrant students—those who teach English and those who teach other academic subjects—need training to develop the most effective tools for imparting knowledge to students with limited English proficiency. Teachers also need help in understanding how best to involve immigrant parents who may themselves be limited in their command of English. Schools that have been effective

The Commission emphasizes the urgent need to recruit, train, and provide support to teachers who work with immigrant students.

The Commission supports immigrant education funding that is based on a more accurate assessment of the impact of immigration on school systems and that is adequate to alleviate these impacts.

Washington, DC's public Bell Multicultural High School offers secondary and adult day/evening intensive English classes, vocational programs, career development, dropout prevention, technical preparation, and comprehensive math and science. Bell students have high attendance rates, high advanced placement exam scores, and high rates of continuing on to higher education. Last year counselors assisted more than 30 students to become citizens. Many staff are both immigrant and multilingual and, thus, can both empathize with students' transitions and support Bell's strong native language-maintenance program.

in involving immigrant parents in their children's education tend to be more effective in retaining and educating students. To promote such involvement, teachers must be sensitive to differences in language and culture that may impede an immigrant parent's ability to participate in school activities.

The Commission supports immigrant education funding that is based on a more accurate assessment of the impact of immigration on school systems and that is adequate to alleviate these impacts. Urban and rural schools often require federal assistance when confronted with large numbers of immigrant students. Current federal support comes through several unrelated funding streams: some is geared to particular instructional models; some is directed to address impacts of large numbers of new arrivals; however, most comes indirectly through monies targeted to schools with economically disadvantaged children who are performing poorly.

There are costs and responsibilities for language acquisition and immigrant education programs that are not now being met. We urge the federal government to do its fair share in meeting this challenge. The long-run costs of failure in terms of dropouts and poorly-educated adults will be far larger for the nation and local communities than the costs of such programs.

More specifically, we urge the federal government to:

- **Provide flexibility in federal funding for the teaching of English to immigrant students to achieve maximum local choice of instructional model.** The federal government should not mandate any one mode of instruction (e.g., bilingual education, English as a Second Language programs, immersion). Research indicates that no one pedagogical model for English instruction works more effectively than any other. What makes for success are: the commitment of the local school system to educate its English learners;

well-trained teachers who are adept at English language instruction; involvement of parents; frequent evaluation of student language acquisition; and a plan for timely placements in mainstream programs.

- **Make funding contingent on performance outcomes—that is, English language acquisition and mastery of regular academic subject matter by students served in these programs.** School systems receiving funds because of large numbers of children with limited English proficiency and immigrant children should be held to rigorous performance standards. Incentives should promote—not impede—expeditious placement in regular, English-speaking, classes.

The Commission urges the federal, state, and local governments and private institutions to enhance educational opportunities for adult immigrants. Education for basic skills and literacy in English is the major vehicle that integrates adult immigrants into American society and participation in its civic activities. Literate adults are more likely to participate in the workforce and twice as likely to participate in our democracy. Literate adults foster literacy in their children, and parents' educational levels positively affect their children's academic performance.

According to the 1990 Census, a total of 5.8 million adults reported that they speak English "not well" or "not at all." This number continues to grow because of the entry of non-English-speaking immigrants. Researchers estimate that 600,000 adults with only limited or no English now enter the United States each year. Immigrants who are illiterate even in their native language or who have only a few years of schooling consequently are confined to employment in dead-end jobs.

Adult education is severely underfunded. Available resources are inadequate to meet the demand for adult immigrant education,

The Carlos Rosario Adult and Career Center in Washington DC, was for 25 years the only DC public school teaching English to adult foreigners, graduating classes as large as 650 students. Closed due to funding constraints, it reopened with private funding in a church in Chinatown. Courses are offered in computer use, nursing assistance, and GED.

The Commission urges the federal, state and local governments and private institutions to enhance educational opportunities for adult immigrants.

The Resources Occupational Training Program in Brooklyn, New York, a nonprofit adult vocational training program, operates as an affiliate of the Catholic Migration Office of the Diocese of Brooklyn. Launched in 1994 with seed money from an Italian businessman, it trains and places 98 percent of its immigrant students in well-paying jobs without government assistance.

particularly for English proficiency and job skills. Enrollment in adult English as a Second Language classes increased 183 percent from 1980 to 1990; neither classes nor funding have kept pace with demand. In Massachusetts, a state widely recognized for its excellent adult education programs, an estimated 11,000 of the 16,000 on the waiting list for adult basic education are waiting for ESL services.

Three principal problems impede the capacity to expand opportunities for adult education. First, funding to subsidize courses is limited. Many adult immigrants are willing and able to pay some tuition for courses, expecting a positive return on this investment. However, given average income levels of uneducated, unskilled immigrants, they are unlikely to be able to cover the total costs of adult education courses.

Second, teacher training programs are limited, resulting in shortages in the number of qualified teachers. For example, in Massachusetts, there are only two training programs for teachers of ESL to adults and no Masters-level program for teachers of adult basic education. Many schools utilize volunteers to serve as tutors, but there is an insufficient number of trained teachers to provide guidance to these volunteer aides.

The third impediment relates to the general quality of adult education programs. The General Accounting Office (GAO) reported in 1995 that adult education and literacy programs funded by the U.S. Department of Education have no defined objectives, valid assessment instruments, or accurate program data.

In the early part of the twentieth century, state departments of education and local school boards played an active role in the Americanization of immigrants. They committed resources to adult education in evening and weekend classes because they recognized the importance of economic and civic incorporation into their

communities. Similarly, many turn-of-the-century businesses participated in the Americanization movement, recognizing the benefits to their operations accruing from a literate, educated workforce.

There has been a shift away from this once widely-held public perception of immigrant adult education as a local responsibility, with its local community- and school-based programs. The source of funding is federal and state (as compared to kindergarten through grade twelve education that is financed primarily through local taxes). While many local school districts continue to provide classrooms and other resources, others do not. In this setting of excess demand for adult education, volunteers and low-cost options do exist. Access to relatively inexpensive classroom space often is a major impediment to program implementation. But—even though publicly-owned classroom space is often available and unused during evening and weekend hours—such limitations persist.

In recognition of the benefits they receive from immigration, the Commission urges leaders from businesses and corporations to participate in skills training, English instruction, and civics education programs for immigrants. Religious schools and institutions, charities, foundations, community organizations, public and private schools, colleges and universities also can contribute resources, facilities, and expertise. All of these sectors benefit from having skilled, English-speaking workers and residents. For example, local school systems could open schools after hours to community groups providing English instruction on a volunteer basis, and businesses could provide employees the opportunity for such classes at the jobsite. Such public/private partnerships can contribute in many ways to a greater range of educational opportunities for immigrants.

The Boeing Company and the International Association of Machinists provide training and skills development to current and laid-off workers that includes English as a Second Language and professional English development. Boeing also provided in-kind production services for a community-based organization naturalization video series in eight languages.

Maid Bess, a contract apparel business in Salem, Virginia provides free on-site English instruction to its refugee employees with the help of a local refugee resettlement agency. Among its more than 400 employees, 17 national and ethnic groups are represented. On its annual "International Day," all employees are encouraged to dress in the traditional costume of their native country or that of their ancestors.

Responding to requests from its limited English-speaking employees, the United Electric Control Corporation in Watertown, Massachusetts in 1992 launched an educational and vocational skills training program. Employees are given time off from work to take courses in a program that is so successful that it led to the formation of a consortium of Boston area high-technology companies to provide the same services. In this case, the program was given a jump start by a federal workplace literacy program grant.

NATURALIZATION

The Commission believes that the current legal requirements for naturalization are appropriate but improvements are needed in the means used to measure that an applicant meets these requirements.

Naturalization is the most important act that a legal immigrant undertakes in the process of becoming an American. Taking this step confers upon the immigrant all the rights and responsibilities of civic and political participation that the United States has to offer (except becoming President). The Commission reiterates its belief that no action should be taken that detracts from the appeal of citizenship as an opportunity to become a member of the polity. The naturalization process must be credible, and it must be accorded the formality and ceremony appropriate to its importance.

The Commission believes that the current legal requirements for naturalization are appropriate, but improvements are needed in the means used to measure that an applicant meets these requirements.

To naturalize, legal immigrants must meet certain threshold requirements; these have remained remarkably consistent throughout our history. At present, to naturalize, a legal permanent residents must reside in the United States for five years (three years for spouses of U.S. citizens and legal permanent residents who serve in the military); demonstrate the ability to read, write, speak, and understand English; pass a U.S. history and civics exam; be of good moral character; and take an oath of allegiance.

With regard to the specific legal requirements, the Commission supports:

- **Maintaining requirements that legal immigrants must reside in the United States for five years (three years for spouses of U.S. citizens and Lawful Permanent Residents who serve in the military) before naturalizing.** We believe five years is adequate for immigrants to embrace, understand, and demonstrate their knowledge of the principles of American democracy.

U.S. COMMISSION ON IMMIGRATION REFORM

- **Improving the mechanisms used to demonstrate knowledge of U.S. history, civics, and English competence.** The Commission believes that the tests used in naturalization should seek to determine if applicants have a meaningful knowledge of U.S. history and civics and are able to communicate in English. The current tests do not adequately assess such understanding or abilities. The civics test, for example, relies on memorization of discrete facts rather than on substantive understanding of the basic concepts of civic participation.

INS district offices vary significantly from each other in the methods by which they administer the test and in the threshold number of correct answers needed for passage. In some cases, examiners scale the tests to the perceived educational abilities of applicants. The lack of uniform standards governing whether an applicant has satisfactorily fulfilled the requirements is disturbing. Such inconsistencies pose undue confusion for qualified legal residents and undermine public confidence in the naturalization process.

The Commission believes the tests should be standardized and aim to evaluate a common core of information to be understood by all new citizens. The U.S. history and civics test should assess whether applicants understand the basic principles of U.S. government: for example, what it means to have freedom of speech or the freedom to assemble. The English test should accurately and fairly measure an immigrant's ability to speak, read, and write; the current practice of dictating English sentences for applicants to write is not an effective means of testing English proficiency.

INS is now undertaking a full review of its interview and testing criteria, including the content and format of the English and civics portions of the test. The Commission

The Arlington County, Virginia, Wilson Center provides education and training for immigrants using federal refugee program funds for language and employment services. It offers citizenship and English as a Second Language classes (focusing on child rearing and family violence). As the school registration center for foreign-born children, it can readily inform immigrants of its services.

The American Telephone and Telegraph Company in India Hill, Illinois, learned the lengthy naturalization process was of major concern for its employees. It worked with the Chicago INS office to distribute naturalization applications and study guides to employees and provided space for officials to conduct interviews and naturalization ceremonies. A total of 400 employees and their family members became citizens.

U.S. COMMISSION ON IMMIGRATION REFORM

The nonprofit Arlington Community Foundation in Virginia funds and organizes grassroots programs to assist immigrants in their transition to American society. It sponsors local community organizations, festivals, and focus groups to identify and address sources of tension between longtime residents and newcomers. It also supports local initiatives to assist immigrant entrepreneurs and parents of school-age children to understand how American institutions work. In 1995, it founded the Washington Partnership for New Americans to encourage naturalization.

encourages officials responsible for naturalization to consult and enlist the assistance of professional educators, pedagogical experts, and standardized test providers in the development of new history/civics and English standards and tests. Consideration should be given to separating the English reading, writing, and comprehension components from the personal interview. Often, applicants are nervous about making a mistake during the interview and demonstrate less English proficiency than they may have. This separation also would work to the advantage of those responsible for adjudicating applications as interviews would be reserved for applicants who had fulfilled the English and civics requirements, sparing scheduling and interviewing of unqualified applicants.

These new standards will be meaningful only if applied equitably and there is a much greater capacity to monitor the agencies that give the tests. [See below.]

A more predictable and standardized testing process also must include consistent and rational exemptions for elderly legal permanent residents. At present English language exemptions are granted to legal permanent residents aged 50 years or older who have lived in the United States at least twenty years and to those 55 years of age who have resided in the U.S. for at least fifteen years. Special consideration on the civics component is given to naturalization applicants aged 65 or older who have resided in the U.S. for at least twenty years. The Commission supports these exemptions. However, it makes little sense to confer such exemptions on long-term legal residents, yet not on more recent elderly legal residents who have had less time to acquire English proficiency. The Commission calls for a thorough review of the current testing exemptions and urges the Congress to consider additional, narrowly-tailored exemptions to the

English requirement for qualified elderly immigrants who have resided in the U.S. for fewer years than required by the current exemptions.

- **Expediting swearing-in ceremonies while maintaining their solemnity and dignity.** Approved applicants must take an oath of allegiance before U.S. citizenship is conferred upon them. Generally, the oath is administered in public ceremonies by federal judges. Most such ceremonies are solemn and dignified public affirmations of a mutual obligation that new Americans and their adopted country make to each other. However, in districts where the federal court has exercised sole jurisdiction to conduct the swearing-in ceremonies, long delays often result from crowded court calendars.

The Commission believes a more expeditious approach to the swearing-in ceremony should be adopted. Timely ceremonies need not sacrifice the ceremonial and traditional aspects of the ceremony that the Commission strongly believes are essential. The Commission believes the solemnity and pomp of the current judicial ceremonies should be maintained and could be enhanced by the inclusion of distinguished speakers. However, would-be citizens who have passed all requirements for naturalization should not be denied timely citizenship because of processing delays in scheduling swearing-in ceremonies.

Until 1990, the federal judiciary had sole jurisdiction to confer citizenship on an approved naturalization applicant. The Immigration Act of 1990, however, transferred authority to confer citizenship to the INS. Within one year, the Judicial Naturalization Amendments of 1991 reinstated the judiciary, albeit in a somewhat modified role. Consequently, judges who choose to exercise sole jurisdiction are granted forty-

The Voter Education Registration and Action Program of the New England Literacy Resource Center in Boston, Massachusetts promotes adult literacy so that its students can take informed action on issues that concern them. The Center is supported by National Institute for Literacy grants under the 1991 National Literacy Act. In the November 1996 election, 467 out of 550 of the program's adult learners—85%—participated.

five days from notification of eligible applicants in which to perform swearing-in ceremonies. Despite the changes instituted by the 1991 Amendments, immigrants typically wait considerably longer to be sworn in as new citizens.

Such delays can have significant consequences for legal residents; they are unable to apply for particular jobs, travel abroad, vote, or receive certain benefits such as Food Stamps and Supplementary Security Income [SSI]. The Commission is concerned that as the number of newly-approved citizenship applicants increases, along with an increasing caseload for the federal judiciary, the federal courts' capacity to perform timely ceremonies may be further hampered.

The Commission recommends that to reduce this waiting time Congress restore the Executive Branch's sole jurisdiction for naturalization. The Executive Branch should continue to work with federal judges as well as other qualified institutions and personnel, such as state courts or Immigration Judges, to ensure that swearing-in ceremonies are consistently conducted in a timely, efficient, and dignified manner. Eminent persons who would add dignity to the ceremony could be invited to participate as well. Standards of conduct should be developed for all such participants to assure, for example, that all remarks are free of partisan politics.

- **Revising the naturalization oath to make it comprehensible, solemn, and meaningful.** Taking the oath is a critical legal step in becoming a naturalized citizen. Its words convey the core meaning of becoming an American citizen. Thus, it is imperative that it be understandable by all who take it. We recommend that those naturalizing be given a written copy of the oath that they can read during the swearing-in and that they can keep as a meaningful memento.

The current oath is not easy to comprehend. We believe it is not widely understood by new citizens. Its wording includes dated language, archaic form, and convoluted grammar. Although the 1952 statute does not prescribe any particular wording, it does require that the oath contain five elements: (1) support for the Constitution; (2) renunciation of prior allegiance; (3) defense of the Constitution against all enemies, foreign and domestic; (4) true faith and allegiance; and (5) a commitment to bear arms or perform noncombatant service when required.

The Commission proposes the following revision of the oath as capturing the essence of naturalization.

*Solemnly, freely, and
without any mental reservation,
I, [name] hereby renounce under oath
[or upon affirmation]
all former political allegiances.
My sole political fidelity
and allegiance from this day forward
is to the United States of America.
I pledge to support and respect
its Constitution and laws.
Where and if lawfully required,
I further commit myself to defend them
against all enemies, foreign and domestic,
either by military or civilian service.
This I do solemnly swear [or affirm],
So help me God.⁴*

⁴ As is the case under current regulations, when applicants, by reason of religious training and belief or for other reasons of good conscience, cannot swear an oath, they may substitute "solemnly affirm" and delete "so help me God."

The Commission calls for urgently needed reforms to increase the efficiency and integrity of the naturalization process.

The Commission calls for urgently needed reforms to increase the efficiency and integrity of the naturalization process. The vast majority of applicants for naturalization are law-abiding immigrants who contribute to our society. The value of Americanization is eroded whenever unnecessary obstacles prevent eligible immigrants from becoming citizens. Its value also is undermined when the process permits the abuse of our laws by naturalizing applicants who are not entitled to citizenship. For the process of Americanization to succeed, it must provide fair and timely service to legal residents applying for citizenship. It must also earn the trust and confidence of the general public.

In August 1995, the INS launched an initiative to address many of the most serious impediments to naturalization, including a backlog in excess of 300,000 persons and processing times that in larger cities approached four years. Consequently, the Service hired more than 1,000 new personnel, opened several additional branch offices, and established direct mail centers.

While these new resources resulted in record numbers of naturalizations, improprieties in granting citizenship to criminal aliens and fraud in the testing process undermined the goals of the program. It is fair to conclude that the new program revealed many of the structural and managerial weaknesses of the overall naturalization process. Subsequent Congressional hearings and independent investigations demonstrate that many of the most serious problems preceded the new initiative and were exacerbated by the increasing number of applications.

The Department of Justice [DOJ] has launched a variety of new initiatives to reengineer naturalization. DOJ named a Director for Naturalization Operations charged with overseeing management and reform of the naturalization program, including quality assurance and field operations. DOJ also contracted with Coopers and Lybrand

to conduct a two-year review of the implementation and administration of the INS naturalization program.

Recognizing steps already are underway to reengineer the naturalization process, the Commission supports the following approaches:

■ **Instituting efficiencies without sacrificing quality controls.**

In the Commission's 1995 report to Congress, we recommended that the Immigration and Naturalization Service and the Congress take steps to expedite the processing of naturalization applications while maintaining rigorous standards. Two years later, the naturalization process still takes too long, and previous efforts to expedite processing resulted in serious violation of the integrity of the system.

Because of failures in processing that resulted in the naturalization of ineligible applicants, new procedures subsequently were adopted to reduce inadvertent naturalization of criminal aliens. These new procedures, while not foolproof in barring criminals from naturalizing, have led to processing delays. At the same time, adequate staffing remains a problem. Congress has authorized reprogramming of funds to hire additional staff, but the Committees permitted temporary hires for most of the new positions even though the number of applications remain large. An entirely temporary workforce with short contracts lends instability to a process that already has problems. Instituting a system that has sufficient continuity of personnel and that is both credible and efficient therefore remains a pressing need.

■ **Improving the integrity and processing of fingerprints.**

Before applicants for naturalization can receive citizenship, they must submit fingerprints for FBI review to determine if the applicants have any disqualifying criminal background.

Problems that delay thousands of applications have been identified in the operation of private agencies taking the fingerprints of applicants for citizenship. These problems include smudged prints and failure of applicants to sign or properly complete forms. Further, no mechanism now exists to verify accurately that the individual submitting the prints is the person whose prints are on the application.

To improve this process, the INS placed restrictions on who may qualify to offer fingerprint services. INS now accepts only fingerprints provided by Designated Fingerprint Services [DFS] trained and authorized by INS. These include local law enforcement agencies, nonprofit agencies, and fingerprint convenience stores. These restrictions may improve the quality of the prints, but do nothing to ensure that fingerprint services consistently and competently verify the identity of individuals whose prints are submitted. While law enforcement agencies have a vested interest in preserving the quality of fingerprints, they have heavy workloads and do not always give high priority to naturalization requests. Nonprofit, community-based organizations appear to take clear fingerprints, but there are questions about their competence to assess the validity of identity documents.

The Commission believes that only service providers under direct control of the federal government should be authorized to take fingerprints. If the federal government does not take fingerprints itself but instead contracts with service providers, it must screen and monitor such providers rigorously for their capacity, capability, and integrity. Failure to meet standards would result in termination of the contract.

- **Contracting with a single English and civics testing service.**
The Commission urges a fundamental restructuring of the

policies and procedures with which private agencies test naturalization applicants for their knowledge of English and civics.

A 1991 regulation authorized the INS to recognize the results of private for-profit and nonprofit testing services. The rationale was that private testing of civics and English would help to adjudicate citizenship applicants more expeditiously. By 1994, six organizations had been authorized by the INS to administer the citizenship exam.

Congressional hearings during the fall of 1996 revealed disturbing weaknesses in the use of private testers that undermined the integrity of the citizenship test. In response to reports that private, for-profit testing services were engaging in price gouging, cheating, and fraud, INS investigated three sites. In April and May of 1996, INS made some changes to improve testing site oversight. Local INS offices were directed to conduct unannounced inspections of citizenship-testing affiliate locations if the office did not already have an inspection plan in place. The congressional hearings revealed that private testers continued to be inadequately supervised or disciplined by either INS or their parent company.

The Commission recommends that the federal government contract with one national and respected testing service to develop and give the English and civics tests to naturalization applicants. Having one organization under contract should help the government substantially improve its oversight. Moreover, continuity with a highly-respected and nationally-recognized testing service will help ensure a high quality product.

- **Increasing professionalism.** While many naturalization staff are highly professional in carrying out their duties, reports from district offices, congressional hearings, and complaints from naturalization applicants demonstrate continued dissatisfaction with the quality of naturalization services. The Commission believes that a culture of customer-oriented service must be developed.

Recent audits point to very high levels of noncompliance with established practices and excessive error rates even in such basic tasks as filling in the proper names and identifying numbers on forms. Mistakes pose two serious problems for the naturalization process. First, legitimate applicants for naturalization face unnecessary delays while clerical and other mistakes are corrected. Second, ineligible applicants, including felons, may be able to obtain citizenship through administrative error. While INS must pursue denaturalization of such improperly naturalized citizens vigorously within legal limits, it is difficult to reverse grants of citizenship once made. Recruitment and training of longer-term staff assigned to adjudicating applications and overseeing quality control would help overcome some of these problems.

- **Improving automation.** According to the INS, the number of naturalization applicants projected for fiscal year 1997 and each of the following few years will exceed 1.8 million. As more and more immigrants apply for naturalization and choose to become part of the American polity, there is a greater need for efficient and accurate recordkeeping. Current systems are inadequate to meet such a demand for service. Both the INS and FBI rely on paper rather than electronic files, which is inefficient and subject to permanent loss or misplacement of documents. The inability of INS to provide accurate data on the number of recently-naturalized citizens

who had undergone full background investigations is a particularly glaring example of the present system's vulnerabilities. The costs to applicants and to INS credibility are significant. The Commission is encouraged by plans to develop linkages among data sources related to naturalization. The Commission recommends continued funding for an up-to-date, advanced, electronic automation system for information entry and recordkeeping.

- **Establishing clear fee and other waiver guidelines and implementing them consistently.** Under current law, the Attorney General is authorized to grant fee waivers to naturalization applicants. The Commission has received accounts of legitimate requests being denied. The prospective increase in naturalization fees may precipitate more fee waiver requests or perhaps discourage applicants. Clear guidelines and consistent implementation are needed to ensure that *bona fide* requests are granted, while guarding against abuse.

The 1994 Immigration and Nationality Technical Corrections Act provided exceptions to the English proficiency and civics requirements for naturalization for persons with physical or developmental disabilities or with mental impairments. After extensive consideration and opportunities for public comment, the INS published its final rule in March 1997.

The new rule emphasizes medically determinable standards that promote integrity and fairness. Further, the new rule does not confer a blanket exemption. Hence, judging whether an applicant's disability would bestow a disability waiver is inherently complex.

The Commission believes that rigorous and equitable interpretation of the new rule will require that adjudicators

are properly trained. Further, implementation must be strictly monitored to ensure that exceptions allowed by law are made available to otherwise qualified legal residents. Finally, to ensure that the qualifications and procedures are understood and adhered to, the Commission recommends a thorough public education effort.

A CREDIBLE FRAMEWORK FOR IMMIGRATION POLICY

In our previous reports, the Commission defined a credible immigration policy "by a simple yardstick: people who should get in do get in, people who should not get in are kept out; and people who are judged deportable are required to leave." By these measures, the U.S. has made substantial, but incomplete, progress. What follows are the Commission's recommendations for comprehensive reform to achieve more fully a credible framework for immigration policy.

LEGAL PERMANENT ADMISSIONS

*The Commission reiterates its support for a properly-regulated system for admitting legal permanent residents.*¹ Research and analyses conducted since the issuance of the Commission's report on legal immigration support our view that a properly regulated system of legal permanent admissions serves the national interest. We reiterate that such a system enhances the national benefits while protecting against potential harms.

This position is supported by a recent report we commissioned from the National Research Council on the impacts of immigration.² The panel concluded that "immigration produces net economic gains for domestic residents" in the form of increased productivity and reduced consumer prices. The benefits go well beyond economic ones, however. The panel also identified social and cultural gains

*The Commission
reiterates its
support for a
properly-regulated
system for
admitting legal
permanent
residents.*

¹ For a full explanation of the Commission's recommendations see *Legal Immigration: Setting Priorities*, 1995. See Appendix for summary of Commissioner Leiden's dissenting statement.

² National Research Council. (J.P. Smith, B. Edmonston, eds.). 1997. *The New Americans: Economic, Demographic, and Fiscal Effects of Immigration*. Washington, DC: National Academy Press. 62.

CRS Report for Congress

Naturalization Trends, Issues, and Legislation

Updated June 24, 1998

Ruth Ellen Wasem
Specialist in Social Legislation
Education and Public Welfare Division



Congressional Research Service • The Library of Congress



Naturalization Trends, Issues, and Legislation

Summary

In recent years, the number of immigrants petitioning to naturalize has surged, jumping from just over half a million applicants in FY1994 to surpassing one million in FY1995. There were 1.6 million petitions in FY1997 and — with 568,799 cases approved last year — the backlog of cases is up to almost 1.7 million. An initiative INS began in 1995 to streamline the process and respond to the increasing caseload, *Citizenship USA*, has been plagued by fraud and abuses. Most notably, audits documenting the improper naturalization of immigrants with criminal convictions as well as indictments of individuals who ran a citizenship testing fraud ring have led many in Congress to call for reform of the naturalization process. In response, legislation aimed at curbing fraud and abuses of naturalization has been introduced in both chambers.

Under U. S. immigration law, all aliens who enter legally as permanent residents have the potential to be citizens. To naturalize, aliens must have continuously resided in the United States for 5 years (3 years in the case of spouses of U.S. citizens), show that they have good moral character, demonstrate the ability to read, write, speak, and understand English, and pass an examination on U.S. government and history. Applicants pay a fee when they file their petitions and have the option of taking a standardized civics test or of having the INS examiner test them on civics as part of their interview. Certain requirements are waived for those who are over 50 years old (and lived in the United States at least 20 years), have mental or physical disabilities, or served in the U.S. military.

The Chairmen of both the Senate Judiciary Subcommittee on Immigration (Abraham) and the House Judiciary Subcommittee on Immigration and Claims (Smith) have introduced bills (S.1382/H.R. 2837) that would reform the naturalization process. These bills would extend the period in which the alien must demonstrate good moral character, would amend sections pertaining to the revocation of naturalization, would codify some policies and procedures that lack a statutory basis, and would provide for ongoing quality assurance practices and reports for congressional oversight of naturalization. The House Judiciary Subcommittee on Immigration and Claims has reported the chairman's substitute version of H.R. 2837, and the Senate Judiciary Subcommittee on Immigration is expected to consider a substitute bill at their subcommittee mark-up. The ranking Democrat on the Senate Judiciary Subcommittee on Immigration (Kennedy) and the House Minority Leader (Gephardt) have introduced reform bills (S.1717/H.R.3341) as well.

INS has proposed a fee increase for filing the naturalization petition that is based upon the estimated cost of providing the benefit, seeking to raise it from \$95 to \$225. Given the sheer size of the backlog, some observers challenge how these increased fees would result in improved services for the new petitioners. Immigrant advocates, moreover, assert that the Administration and Congress need to invest more resources into naturalization to assure both that the system is not abused and that petitioners are processed within a reasonable time. Congress already earmarked an additional \$163 million for naturalization in the FY1998 appropriations, and the Administration is seeking essentially the same levels for FY1999.

Naturalization Trends, Issues, and Legislation

Basic Requirements

Under the Immigration and Nationality Act (INA), all aliens who enter legally as permanent residents have the potential to become citizens through naturalization. To naturalize, aliens must have continuously resided in the United States for 5 years (3 years in the case of spouses of U.S. citizens), show that they have good moral character, demonstrate the ability to read, write, speak, and understand English, and pass an examination on U.S. government and history. Applicants pay a fee when they file their petitions and currently have the option of taking a standardized civics test or of having the Immigration and Naturalization Service (INS) examiner test them on civics as part of their interview.

The language requirement is waived for those who are at least 50 years old and have lived in the United States at least 20 years or who are at least 55 years old and have lived in the United States at least 15 years. For these individuals, the civics test is given in their native language. Special consideration on the civics requirement is to be given to aliens who are over 65 years and have lived in the United States for at least 20 years. Both the language and civics requirements are waived for those who are unable to comply due to physical or developmental disabilities or mental impairment.¹ Certain requirements are waived for those who served in the U.S. military.

Trends

The number of immigrants petitioning to naturalize has surged in recent years, jumping from just over half a million applicants in FY1994 to more than 1 million in FY1995 (**Table 1**). There were 1.6 million petitions in FY1997, and the INS estimates that about 6 million permanent resident aliens currently are eligible to apply for naturalization. Estimates of the proportion of immigrants who ultimately become citizens vary by the methods in which the data are collected but typically have ranged from 30% to 40%.²

¹ 8 CFR Parts 299, 312, and 499.

² For an analysis of naturalization trends and characteristics of those who naturalize as well as a discussion of why the naturalization rates vary by data sources, see: CRS Report 95-298, *Naturalization of Immigrants: Policy, Trends, and Issues*, by Ruth Ellen Wasem.

immigrants were likely to vote for Democratic candidates. INS countered that the naturalization process was selected as a “Reinventing Government” activity and that the involvement of the staff of Vice President Gore in redesigning the naturalization process was part of the National Performance Review activity. INS asserted that *Citizenship USA* was a warranted response to handle the growing caseload. INS — pointing out that the number and rate of denied petitions had risen since *Citizenship USA* was initiated — maintained that standards had not been lowered.

Meanwhile, investigations both inside and outside of the Department of Justice (DOJ) revealed irregularities in the processing, most notably that INS had naturalized immigrants with criminal records. On November 29, 1996, INS Commissioner Doris Meissner released a memorandum aimed at correcting reported problems with the naturalization process and enhancing supervisory controls and quality assurances. The U.S. Department of Justice subsequently contracted with KPMG Peat Marwick to review the implementation of the November 1996 memorandum and with Coopers and Lybrand to propose an overall design of the program.

When KPMG Peat Marwick issued a report in the spring of 1997, it identified several problem areas. The report found that the Commissioner’s November 1996 memorandum outlining the new naturalization quality assurance program had not been disseminated through the chain of command to the first line supervisors; though an unsigned email version with fewer and different requirements did appear to be widely circulated as was an earlier draft by the Deputy Commissioner. The report also indicated that the training for the naturalization quality assurance program (what they referred to as NQP) was decentralized to the local INS office and cited this lack of training standards and curriculum set by INS headquarters as a major contributing factor in INS’s inability to fully implement the quality assurances. KPMG Peat Marwick offered the following conclusion:

As a result of our site visits, it is now clear that the NQP has increased the internal control and helped reduce the risk of incorrectly naturalizing an applicant. But it is also clear that criminal history validation, a key control of the NQP, remains ineffective Due to the inherent weaknesses in the FBI and INS matching, and the continued lack of control within the overall fingerprint process, we cannot provide assurances that INS is not continuing to incorrectly naturalize aliens with disqualifying conditions.³

On February 9, 1998, DOJ released the findings of KPMG Peat Marwick that 369 people were naturalized despite a conviction of a felony or a crime of moral turpitude. KPMG Peat Marwick reviewed the criminal records of 1,049,867 immigrants naturalized from August 1995 through September 1996, the span of *Citizenship USA*. In addition to the 369, there were 5,954 (about 0.6%) that required further action. Many of these immigrants failed to reveal on their petitions that they had been arrested for a felony or crime of moral turpitude, though KPMG Peat Marwick reports that 40% of these people were either acquitted or the conviction was not one that would disqualify them from naturalization. Although an arrest without

³ KPMG Peat Marwick. *Department of Justice Immigration and Naturalization Service Naturalization Quality Procedures Implementation Review*. Final Report. Washington, D.C. April 17, 1997. p. ii-iii.

conference agreement for the FY1998 Commerce, Justice, and State Departments Appropriations Act (P.L. 105-119, H.R. 2267) contains language prohibiting the acceptance of fingerprints cards made by any individual or entity other than INS, the Departments of State and Defense, or a state or local law enforcement agency. This new fingerprint policy, which covers all immigration benefits and services, went into effect in December 1997.

Language and Civics Testing. Fraud involving the entities contracted to administer the citizenship test and English language proficiency has been uncovered as well, and some — including INS Commissioner Doris Meissner — began questioning whether outside contractors should continue to administer the test. INS had begun standardized testing of immigrants by outside contractors during the 1980s when aliens legalizing through IRCA were required to demonstrate an understanding of English and civics. Based on this experience, INS initiated a program in 1991 for outside entities to administer a standardized English language and civics test.⁶ Ultimately INS contracted with six private testing services: Educational Testing Service (ETS); Comprehensive Adult Student Assessment System (CASAS); Southeast Community College; Marich Associates; Naturalization Assistance Services (NAS); and American College Testing (ACT). By 1996, INS reported that these six entities operated about 1,000 testing sites through subcontractors around the country.

Reports of testing fraud aired nationally in a July 1996 episode of the "20/20" television news program, with a focus on one particular testing service. In September 1996, congressional hearings were held on the testing fraud problems, as well as other alleged violations of naturalization law and procedures.⁷ INS placed this contractor on probation and ultimately dropped the contractor. INS also discovered that a subcontractor of another testing service contractor was involved in test fraud, reportedly as far back as 1994. After an 18-month undercover probe by INS, DOJ, FBI and the Internal Revenue Service, 20 people were recently indicted in a nationwide scheme to falsify the English and civics test results. The defendants — who operated or worked for the local testing sites — allegedly collected more than \$3 million from approximately 13,000 immigrants in return for promises that they would pass the tests.

In their proposal to re-engineer the naturalization process, Coopers and Lybrand recommend a complete overhaul of the process, including a standardized test for all applicants. Since about 10% of all petitioners are denied because they fail the tests, Coopers and Lybrand also recommend that the testing occur earlier in the process so that staff time is not wasted. The proposal also recommends that the applicants present two forms of identification and have their fingerprints verified electronically

⁶ *Federal Register*, v. 56, no. 125, p. 29714 (June 28, 1991).

⁷ Oversight of the Immigration and Naturalization Service Program Citizenship USA, hearing before the House Committee on Government Reform and Oversight Subcommittee on National Security, International Affairs, and Criminal Justice, 104th Congress, 2nd Session, Sept. 10 and 24, 1996.

The INS naturalization examiner may go beyond the above list to assess good moral character. For example, failure to pay child support may be a significant factor. Although adultery was removed as a statutory bar to naturalization in 1981, it may still be a basis for denying a petition if it either destroys a viable marriage, is grossly incestuous, is commercialized, is flaunted openly, is committed in the home with minors present, results in a child born out-of-wedlock who becomes a public charge, or indicates a disregard for any standard of sexual morality.

Anyone who has been convicted of an aggravated felony **at any time** is statutorily barred from naturalization. The INA lists a range of crimes that are considered aggravated felonies, such as: murder, rape, and sexual abuse of a minor; illegal trafficking in firearms; supervising a prostitution business; receiving stolen property; and, fraud or deceit in which the victims' losses exceed \$10,000.¹⁰ According to the legal opinion of the INS General Counsel, if such a conviction — with the exception of murder — occurred on or before the enactment of this provision in INA (November 29, 1990), it does not mandate a finding that the immigrant is not of good moral character. However, the INS General Counsel advises that an aggravated felony conviction occurring prior to November 29, 1990 would still be relevant to the ultimate determination of good moral character.¹¹

One practical matter that confounds the determination of good moral character is what information INS can reasonably discover about the petitioner. Criminal records are available systematically from the FBI, but some of the other behaviors on the list above are not necessarily recorded in a searchable database. Some argue that if the information on which to determine good moral character is not uniformly available for all petitioners, then that factor should not be used as a criterion. Others counter that egregious behavior should not be disregarded simply because it is not available in a searchable database; instead, they maintain the INS examiner should conduct basic background checks, weighing all information obtained to determine whether the petitioner meets the standards.

In a related concern, proposals to extend the applicable statutory period beyond 5 years raise the question of how INS will discover if the petitioners had criminal records or other problems in the country of their previous residence. Proponents of expanding the period for determining good moral character, however, argue that limiting consideration to 5 years, particularly for criminal convictions, disregards potentially important facts about the petitioner's character.

Backlogs and Waiting Times. There were 1.7 million immigrants with naturalization petitions pending as of November 30, 1997. While **Table 1** above presents aggregate annual caseload data detailing the rise in petitions during the 1990s, **Figure 1** illustrates with monthly caseload data that the backlog has grown sharply in recent years as INS has not been able to keep pace with this rise in petitions. The exception was during the ill-fated *Citizenship USA* campaign when INS sought to process petitions within 6 months, and **Figure 1** indicates there was flattening — even a slight dip — in the backlog during period of *Citizenship USA*

¹⁰ *Interpreter Releases*, v. 73, no. 43, Nov. 11, 1996, p. 1585-1588.

¹¹ *Interpreter Releases*, v. 74, no. 38, Oct. 6, 1997, p. 1515-1517, 1530-1532.

go to funding the naturalization process and assert that the Administration and Congress need to invest more resources into naturalization to assure both that the system is not abused and that petitioners are processed within a reasonable time.

Legislative Activity

Funding. Through the FY1998 Commerce, Justice, and State Departments Appropriations Act (P.L. 105-119, H.R. 2267), Congress appropriated INS an increase of \$163 million aimed at improving the naturalization process and restoring its integrity. Of that amount, \$63 million is targeted to staff increases and quality assurance procedures, and an additional \$3 million is included to revoke citizenship of those improperly naturalized. Nearly \$84 million of this \$163 million is designated to improve INS's capacity to scan fingerprints, with \$16.8 million earmarked for INS to purchase and install fingerprint scanners.¹²

INS built this FY1998 increase (\$163 million) for naturalization activities into its proposed FY1999 base budget. Funding for naturalization is presented in the Adjudications and Naturalizations budget program.¹³ Most of the funding for this Adjudications and Naturalizations program comes from the examinations fee account, and total funding for this budget program has increased from \$137 million in FY1993 to \$310 million in FY1997. INS anticipates a \$392 million budget allocation for this program for FY1998, and has requested \$389 million allocation for FY1999. In addition, INS naturalization activities have benefitted from funding increases to the Data and Communications program and the Information and Records Management program.

Reform. The Chairmen of both the Senate Judiciary Subcommittee on Immigration (Abraham) and the House Judiciary Subcommittee on Immigration and Claims (Smith) have introduced bills (S.1382 and H.R. 2837) that would reform the naturalization process. As introduced, these companion bills had several key features:

- extending the period in which the alien must demonstrate good moral character from what is typically at least 5 years to 10 years;
- codifying in statute a procedure for conducting the criminal background check;
- codifying in statute the requirements for a personal interview for all petitioners;
- detailing the Attorney General's authority to permit and oversee outside entities to administer the civics and English language tests;
- codifying in statute the requirement that the resident alien card (i.e., green card) be turned in when the certificate of naturalization is awarded and adding civil penalties for the failure to timely report the loss, theft or destruction of the resident alien card;
- amending sections pertaining the revocation of naturalization; and,
- providing for ongoing quality assurance practices and reports for congressional oversight of naturalization.

¹² H. Rept. 105-405, p. 106; for a discussion of these funding issues, see: CRS Report 97-515, *Immigration and Naturalization Service's FY1998 Budget*, by William J. Krouse.

¹³ Monies allocated specifically for naturalizations are not separated out in budget documentation.

In addition to these major bills that would reform the naturalization process, there are a wide variety of bills addressing particular aspects of naturalization. The primary aim of these other bills is to ease the naturalization requirements of selected groups or types of legal permanent residents who were barred from receiving certain forms federal public assistance when these programs became limited to citizens.¹⁵ These bills typically would broaden the age and disability exceptions to the language and civics requirements.

¹⁵ For background on the new rules for use of federal public assistance by immigrants, see: CRS Report 96-617, *Alien Eligibility for Public Assistance*, by Joyce C. Violet and Larry M. Eig.



DEPARTMENT OF HEALTH & HUMAN SERVICES

CP: Ali Rast, NEE
217 Julie Fernandez
Cynthia Roca
ADMINISTRATION FOR CHILDREN AND FAMILIES
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

TO: Andres Kase - DPC

FAX Number:

SUBJECT: White Paper - Immigrants: Becoming Americans

FROM: Jorge Velazquez, M.P.A.
Administration for Children and Families
Telephone: (202) 260-1853
Fax: (202) 401-0981

NUMBER OF PAGES INCLUDING COVER SHEET: 4

NOTES/COMMENTS:

Sorry for delay - we just got
response from the COAS!
Thanks
[Signature]

"Many of us spend a lifetime wondering what is possible, some of us get up and do what was thought to be impossible".

WHITE PAPER
Immigrants: Becoming Americans
Provided By the Office of Refugee Resettlement

(DPC contacted us regarding information that could be used by thier staff to develop a FY 2000 initiative around, what is being referred to as "Americanization". The following material is ORR's response to the request.)

INTRODUCTION: The U.S. Commission on Immigration Reform's September 1997 report entitled *Becoming an American: Immigration & Immigrant Policy*, called for the Americanization of immigrants as essential to perpetuating understanding of the basic principles and values of our society. Americanization was proposed as the mechanism for cultivating "... a shared commitment to the American values of liberty, democracy and equal opportunity." The Commission further called for federal, state and local governments "...to provide renewed leadership and resources to a program to promote Americanization." The Commission recommended that such programs include orientation on mutual rights and responsibilities and information needed for successful integration.

The network of non-profit agencies and school districts working with refugees under programs funded by the Office of Refugee Resettlement within the Department of Health and Human Services has extensive experience in providing acculturation and Americanization services to newly arriving refugees.

The programs which have been most successful are typically holistic in their approach. For the last five years, ORR has operated the Community and Family Strengthening Program which addresses the needs of refugees becoming part of the community as well as the community learning about refugees. These projects are designed by the communities to respond to the priorities they determine. Some examples include:

 **D Community Orientation and Involvement.** The community orientation programs are designed to provide newly arriving refugees with information on local resources and services, American customs, laws and responsibilities associated with being residents in their communities. Simultaneously, these programs are providing the mainstream communities with information about the newly arriving refugee residents and their cultures. These programs broadly address community participation and understanding, encompassing not only schools and services but police departments, parks and recreation facilities, and other local institutions. Several projects have formal or informal centers which use the draw of English language training, for example, as a bridge to liaison with law enforcement and local housing authorities, as is done in Lincoln, Nebraska. In St. Louis, the refugee program responded to the tragic murder of a refugee child by establishing trust between the refugee community and the police department and moved the refugees from fear and grief to positive community action. In Harrisburg, Pennsylvania, a "Cultural Awareness" program is used to educate the local police about the new refugee communities there. Fresno Pacific University in

California developed a cross-cultural training manual used to educate facilitators, trainers and refugee groups around the country on cross-cultural mediation and conflict resolution. A video developed in San Diego on the diverse cultures of refugees resettled there is used by local schools, universities, and the police department. Additionally, refugee program funds help to support ethnic organizations founded by and serving specific nationalities. These community based organizations, mostly led by members of the community with longer adjustment in the U.S., have proven an effective bridge to American culture and civic involvement. An Ethiopian ethnic association in Virginia has a weekly radio program to provide orientation and information to refugees and to introduce the listening public to Ethiopian cultural traditions. It also sponsors an "adopt-a-family" program to facilitate communication between refugees and host communities.

2. Youth Services. Several projects target refugee teenagers identified as at risk of school failure and/or gang involvement. In New Orleans more than 100 youth from working poor families are involved in activities that include recreation, life planning skills, tutoring and computer skills development. A similar project in Kansas City, Kansas started with refugee program funding is now self-supporting.

3. Holistic Adjustment Services. Some projects address particular needs of refugee families or may target a specific group, for example; refugee women who are isolated because of their poor language skills and cultural differences to address the multiple barriers these clients face. In the case of culturally isolated women, this would include coping and life skills, along with child care and assistance to become self-reliant and self-sufficient.

4. Parental Involvement with Schools. In Wisconsin one project targets Southeast Asian families and students to engage parents to be involved as partners with the schools, teachers and school-based organizations in the education of their children and in helping to improve their children's performance in school. Another project in San Diego targets mothers of pre-school children to increase language and parenting skills in the context of providing the mothers with work readiness skills. Several programs in this category use the "hook" of school-age children to teach refugee parents about the potential and importance of parental involvement in the schools and may include classes in citizenship, language training, and orientation.

 **5. Specialized English Training and Literacy.** Projects throughout the U.S. provide specialized language training classes, for example, to target specific industries, often in conjunction with the employers. Projects are also located in housing sites to target homebound refugee women or elderly so transportation and child care problems are alleviated for family members who are illiterate or only semi-literate in their own language and may have had little or no formal education.

It is important to develop non-education settings to minimize apprehension. Many of these projects depend heavily on volunteer teaching staff.

6. Ethnic Organization Support. Support to self-help organizations has been key to moving refugee communities into the mainstream. These organizations provide a variety of individual and community services. Services may include: leadership training for non-profit management, fund raising and community organizing; Mentoring which pairs participants with community members and peer support groups which address specific problems common to one group. These organizations also provide a voice for refugees with the broader community.

 **7. Civics and Citizenship Education.** These projects help refugees learn about voting and participation in the social and political lives of their communities, including registration with the Selective Service System, schools, child support responsibilities, taxes, the legal system, and other basic features of civil life, while improving their English and teaching civics and U.S. history.

8. Economic Self-sufficiency. These projects emphasize employment and family economic planning. Services include orientation to the world of work and assisted job search for the most recently arrived refugees with limited English. The employment services take into account the changes introduced by welfare reform--changes that directly affect newly arriving refugees and immigrants.

9. Health Services. The federal refugee program provides states with funds to support outreach and access to refugee communities for preventive health screening for contagious diseases and medical conditions that may impede refugees' ability to become employed. Refugees treated for conditions that may represent a threat to the public health, are provided with immunizations, and are referred for treatment of acute and chronic conditions. In some areas, this funding is used for medical informational services, for the training and certification of medical interpreters, and for referral to nutrition supplement programs (e.g., WIC) and the Children's Health Insurance Program (CHIP).

The aforementioned examples show that a structure of public/private partnerships between State and local governments and community based organizations are most effective in implementing this type of program. Each community has different needs, different populations of immigrants, different institutional strengths and weaknesses. Therefore, the most effective approaches are best designed collaboratively, at the community level.

THE JANE ADDAMS SCHOOL FOR DEMOCRACY

By Harry C. Boyte and Jennifer C. Brannan



Photos are from the Jane Addams School's "Freedom Festival"



The largest wave of immigration since World War II is flowing into the United States. Like immigrants throughout our history, many of these new arrivals will settle in separate cultural and ethnic communities, leading to racial and ethnic tension and the perception among the larger population that immigrants do not want to “become American.” Yet how can immigrants become connected to public life when so few institutions link them to the broad mainstream of society?

As we begin the next century, the nation needs contemporary versions of older “mediating institutions” that once tied waves of immigrants to American democracy — tapping into their rich cultural traditions and releasing their potential to help build the nation. The Jane Addams School for Democracy, a community-based education and action initiative, offers a promising experiment.

Today, immigrant policy accents service delivery — be it of language classes, job training, or welfare provisions. In this approach, immigrants are perceived as deficient, needy, and powerless. The role of organizations is to provide services for them. Immigrants enter public life largely as consumers and claimants, demanding their “right” to a fair share. There

Harry C. Boyte is Co-Director of the Center for Democracy and Citizenship at the Hubert Humphrey Institute at the University of Minnesota. Jennifer O'Donoghue is a graduate assistant at the Center.

are few opportunities for new Americans to develop the sense that they can contribute to the commonwealth. Within this framework, they are encouraged to compete in an arena of grievances and deficiencies. Most groups that connect people to politics are built around ideological sameness, not diversity of viewpoint, and they pose their arguments in consumer terms: What can their group get from government?

Mediating institutions such as Jane Addams' Hull House settlement in Chicago — which worked with immigrants from Eastern and Southern Europe and Mexico in the early decades of the 20th century — once taught something quite different. They inculcated new Americans with a sense of the importance of building, contributing to, and improving the nation.

Such institutions helped immigrants develop what can be called "public identities" — teaching the skills of give and take, instilling the importance of working with people different from oneself, fostering a commitment to democracy, and holding citizens accountable to common standards. It is a mistake to romanticize or be nostalgic. Even at their best they excluded many people. Nonetheless, they were central to 20th century democracy. They provided reserves of civic capital that the nation could draw on. For immigrants, they created pride in being American citizens and highlighted the ways in which immigrant cultures could enrich America.

The Jane Addams School for Democracy — located in

Neighborhood House, a 100-year-old settlement on the West Side of St. Paul — takes the best of this forgotten spirit and updates it for a new era. It was created as a partnership among Hmong and Latino residents, Neighborhood House, the College of St. Catherine, the Center for Democracy and Citizenship at the Humphrey Institute, and the College of Liberal Arts at the University of Minnesota. The founding idea was to develop a community partnership through which college students and immigrants alike could learn and work together.

The theme of the Jane Addams School is "everyone a learner, everyone a teacher." New immigrants





and their children join with high school and college students in learning about citizenship and democracy (including preparing for the U.S. Citizenship Exam), the English language, and American culture. Now, after two and a half years, nearly 200 people are learning and working together on public projects. Young people and adults have undertaken farming projects, community gardens, plays, skits, a history book, a health and wellness project, and other work. The school has initiated an annual community-wide "Freedom Festival" celebrating diverse contributions to liberty and democracy. In addition, more than 50 immigrants have passed the citizenship exam (a striking accomplishment, sometimes involving years of dedicated work, for people coming from an oral culture). Best of all, many of these new citizens have returned to the School both to continue their learning and to help other immigrants learn the ways of American citizenship.

Perhaps most important, the Jane Addams School provides a space for immigrants and their children to build off the strength of their cultures while learning about and incorporating aspects of American culture. As Aleida Benitez, one of the architects of the school, says, "It is important to find common ground between the traditional values my parents instilled in me and the larger world in which I find myself."

The work of the school has made vivid the traditions of productive citizenship that immigrants bring to this country. In the words of one Jane Addams School participant, Mai Neng Moua: "America is in the making. It isn't a complete picture, and whoever comes adds to it." Organizations like the Jane Addams School can help all citizens draw a brighter and more vivid picture of a united nation and a re-energized democracy. ♦



**U.S. Department of Justice
Immigration and Naturalization Service**

Office of the Commissioner

425 I Street NW.
Washington, DC 20536

TESTIMONY OF

**PAUL W. VIRTUE
GENERAL COUNSEL
IMMIGRATION AND NATURALIZATION SERVICE
U.S. DEPARTMENT OF JUSTICE**

BEFORE THE

**COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON IMMIGRATION AND CLAIMS
U.S. HOUSE OF REPRESENTATIVES**

CONCERNING

H.R. 2837, THE NATURALIZATION REFORM ACT

**MARCH 5, 1998
ROOM 2237 RAYBURN HOUSE OFFICE BUILDING
9:30 A.M.**

Mr. Chairman and Members of the Committee:

I am pleased to have this opportunity to appear before the Committee to testify concerning H.R. 2837, the Naturalization Reform Act of 1998.

Before discussing the specific provisions of the bill, I would like to provide you with a brief overview of the significant improvements INS has made to naturalization processing in the last year, and some of the plans we have for continuing improvements. Mr. Bratt, senior manager of the Department of Justice's (DOJ) Criminal Division, came to INS in April 1997 to spearhead INS efforts to restore the integrity of and public confidence in the naturalization process, and to oversee improvements to naturalization processing in terms of standardization, communication and backlog reduction.

Since establishment of the Office of Naturalization Operations, our number one priority has been to address the integrity concerns in the naturalization program. The Service has achieved a great deal of success in this area since then. Specifically, in December 1997, the KPMG audit of INS naturalization procedures found that INS had effectively implemented the new Naturalization Quality Procedures designed to insure the integrity of naturalization processing.

The INS, in response to requirements in the FY 1998 appropriations bill, is in the process of implementing a new fingerprinting system nationwide, which will be fully functional by mid-March. This program will utilize a network of "Application Support Centers" (ASCs) where contract staff, overseen by INS employees, will verify each applicant's identity and fingerprint the applicant using either ink or live-scan fingerprint machines. The ASC staff will forward fingerprint cards to INS service centers, and in turn to FBI for processing. INS will use a combination of 75 free-standing Application Support Centers, 51 ASCs co-located within existing INS space, 44 mobile routes, and 39 designated law enforcement agencies operating under sole source contract agreements to provide coverage. The coverage provided by these sites ensures that 92% of our customers are within 25 miles of an ASC site, and 75% are within 10 miles.

Since 1991, English and Civics testing has been done by both INS and a network of 5 national testing organizations and their local affiliates. The INS has no contractual or financial agreement with the national organizations. Without contractual authority or regulatory oversight, many concerns over integrity in the program have been raised. One national entity was terminated from the program in January 1997. Last month 20 employees of various local affiliates were indicted for testing fraud. INS has now decided to move forward with a pilot program to conduct testing, administered by a contractor and overseen by INS staff, at the ASCs. Our target is to provide testing at select ASCs starting July 1, 1998 with a phase out of the current system by September 1, 1998. Applicants will continue to have the option of being tested by INS adjudicators on English and Civics during the interview. We will continue to work closely with Coopers & Lybrand, and other testing experts, on developing a new standardized test which, under the Coopers & Lybrand reengineering blueprint, would be administered prior to the

applicant filing for citizenship.

INS has instituted several measures to standardize processing, including new automated systems and Direct Mail for all N-400 applications by April. Direct Mail allows for up-front processing of naturalization applications to be done at the 4 highly-automated INS Service Centers, reserving the time of staff at the district office to conduct interviews. Furthermore, INS is dramatically increasing naturalization information available on the public INS Internet web -- including naturalization forms, citizenship study materials and a "self-test", and eligibility information. We hope in the future to institute a system to allow status inquiries to be made on-line, as well.

The Service has also taken several steps to address the naturalization backlog. As a first step in backlog reduction, INS has collected and analyzed application workload data from every office and identified key "choke points" or bottlenecks where applications become stuck in our process. With this data in hand, office-specific plans are being developed to remedy specific problems, primarily through changing procedures and supplementing resources. Finally, we look forward to implementation of key recommendations laid out in the Coopers & Lybrand reengineering blueprint to address processing problems long-term.

It is in the context of these major changes in the naturalization program that I wish to make clear that the Service believes this legislation is unnecessary and opposes this bill. I will outline the fundamental concerns that the Service has with this proposed legislation.

First, the Service believes that the proposed naturalization-related measures largely duplicate quality assurance measures that are already in place as a result of statutory requirements, regulations, INS policies, and naturalization processing procedures that INS has already developed and instituted. In particular, we note that most of the proposed statutory processing requirements are already part of the current Naturalization Quality Procedures (NQP), including definitive response from the FBI on fingerprints.

In addition, many of the proposed changes in the bill would impose unnecessary burdens on applicants for immigration benefits and INS, without any comparable enhancement of the integrity of the process. INS needs to maintain its focus on the integrity of the naturalization process while continuing to work on the reducing the naturalization backlog.

The bill would also mandate procedures that may not be consistent with the Coopers & Lybrand (the consultants hired by DOJ to help re-engineer the naturalization process) blueprint for naturalization reengineering. If the bill were to be enacted, the new statute could well make it impossible for INS to make further necessary improvements to the naturalization process, on the basis of the consultant's recommendation, without first securing additional legislation.

The provisions of the bill

I will now discuss the specific provisions of the bill.

Section 2 -- Bar to Naturalization of "Deportable" Aliens

Section 2 would amend § 316 of the Immigration and Nationality Act (INA) to bar the naturalization of aliens who, on the date of filing their applications, are deportable because they have been convicted of certain crimes, are subject to an outstanding removal order under Section 235(b)(1), Section 240, or any other provision of law, or who are in removal proceedings. We believe this provision is not necessary and should be stricken.

This provision duplicates, but is less comprehensive than, current law. Section 318 of the INA already bars the naturalization of an alien who has been found deportable for any reason. Section 318 also prohibits consideration of a naturalization applicant if a removal proceeding is pending against the applicant. The current proposal, moreover, would not apply to an alien *after* the alien files his or her naturalization application. Section 318, by contrast, does bar the naturalization of an applicant who is found deportable and ordered removed after the applicant applies for naturalization.

In addition, initiating removal proceedings provides a sufficient legal basis for deferring adjudication of a naturalization application. If the alien is found deportable and ordered removed, then § 318 would mandate denial of naturalization. Even if the immigration judge terminates the removal proceeding, the finding that the alien is not deportable does not prevent the Service, under § 318 as it currently stands, from finding that the alien lacks good moral character and so is not eligible for naturalization.

Finally, barring naturalization of aliens who simply are deportable, but against whom INS has not initiated removal proceedings, could result in a class of aliens who are permanently barred from naturalization even though they will never be subject removal proceedings.

Section 3 -- Lengthening the Good Moral Character Period

Section 3 of the bill would amend § 316(a)(3) by providing that a naturalization applicant must establish that he or she is a person of good moral character, and has been during the 10 year period immediately preceding his or her filing of the application for naturalization. This 10 year good moral character period would apply regardless of the period of permanent residence that an individual applicant must satisfy in order to qualify for naturalization.

INS opposes this provision.

The traditional rule is that the good moral character period has been coterminous

with the minimum period of residence as a permanent resident. So for most applicants, the good moral character period is currently 5 years, but the good moral character period is shorter for spouses of citizens, those naturalizing on the basis of military service, etc. If Congress enacted § 3, an applicant's good moral character period could well extend to include the period *before* he or she even immigrated. Note that § 316(a)(3) is broader than just "good moral character," as it is usually understood. Rather, § 316(a)(3) encompasses as well the applicant's attachment to the Constitution and his or her disposition toward the "good order and happiness of the United States." It would be anomalous to require proof that the applicant had these attitudes even before he or she came to the United States.

Moreover, each applicant for permanent residence must undergo a background check concerning all grounds of inadmissibility, not just those that relate to his or her moral character. It is not likely that a longer good moral character period would yield additional disqualifying information.

Section 4 – Criminal background checks

This section has several provisions. I will comment on each of them separately.

Proposed amendment: The proposed new § 106(a)(1) of the Act states that no benefit may be granted unless the applicant has submitted a complete and legible set of fingerprints that have been prepared by an INS employee, a single contractor to the INS, or by a State or local law enforcement agency (LEA). Under certain circumstances, fingerprints may also be prepared at a U.S. consular office under the jurisdiction of the State Department, or a military facility or installation outside the United States and under the jurisdiction of the Department of Defense.

INS response: This provision is unnecessary. The Department of Justice Appropriations Act, 1998, Pub. L. No. 105-119, 111 Stat. 2440, already prohibits INS from accepting fingerprints for criminal background checks unless the fingerprints were prepared by an INS employee or, under limited circumstances, by a state or local law enforcement agency, a U.S. consular office or a military facility or installation outside the United States. This requirement entered into force on December 3, 1997. We are currently in compliance with these requirements. The INS is opening Application Support Centers (ASCs) where contract staff under the supervision of INS personnel will prepare the majority of fingerprints used for criminal background checks.

Proposed amendment: The proposed § 106(a)(2) of the Act would require the Commissioner to request the Director of the FBI to conduct a criminal history check by submitting fingerprints and any supplementary information required by the FBI, to the FBI.

INS response: This provision is unnecessary. It is already a requirement under § 335 of the Act that an applicant for citizenship be investigated. As stated in 8 CFR 335,

the investigation must include police department checks, a requirement that may not be waived. For this reason, the INS requires applicants to submit an FD-258 for processing with the FBI.

Proposed amendment: The proposed § 106(a)(3) of the Act requires the FBI to conduct a background check on each applicant for a benefit under the INA, using the fingerprints and information provided by the Commissioner, and provides that the INS may not grant the application until the INS has received a definitive response from the FBI.

INS response: This provision is unnecessary. Since the November 29th NQP memo, INS policy has established that no naturalization applicant who is required to submit fingerprints may be granted citizenship unless a definitive response has been received from the FBI. Further, the INS has already completed an interim rule, in response to requirements in the 1998 DOJ Appropriations Act, that will formalize this requirement in INS regulations. It has also been national policy, since April 2, 1997, that no application for a benefit other than naturalization may be granted, if the applicant is required to submit fingerprints, unless the INS has received a definitive response on the FD-258 submission from the FBI.

Proposed amendment: The proposed § 106(a)(3) of the Act would require the FBI to use fingerprints and information provided by the INS in order to conduct a criminal history check.

INS response: We request that this section be amended to indicate that the FBI must use information on the FD-258 provided by the INS, not solely the fingerprints. INS employees do not have authority to classify fingerprints and must submit the best fingerprints available. Despite the best efforts of the INS and other law enforcement agencies, and despite, as well, the rigorous training of the FBI fingerprint classification specialists, the FBI may find that the submitted fingerprints are unclassifiable.

Accordingly, the expression "using the fingerprints" should be stricken or clarified to permit the FBI to use the FD-258 in its entirety, not just the fingerprints. It is, in fact, the case that the FBI may find the applicant's name, date of birth, and other biographic information on the FD-258 sufficient in order to run a background check of an applicant in the Criminal Justice Information System (CJIS) database. When the FBI is satisfied that this other information is sufficient, the INS should be able to rely on the FBI's expertise. This alternative, of course, would only be available if the FBI concluded that a fingerprint check is not feasible but that a valid background check was still possible.

Proposed Amendment: Proposed Section 106(a)(4) of the Act requires that the INS conduct an investigation of an applicant's complete criminal history record.

INS response: This provision is unnecessary. It is already an internal INS policy requirement, as part of the NQP, that an interviewing officer request an applicant to submit the criminal history record for every offense listed on an FBI rap sheet, the applicant's file, any police clearances provided by an applicant, or admitted to by the applicant under oath during the course of an interview. This amendment merely enacts the already existing policy. However, this requirement is under review, since it has been the INS' experience that applicants are not always able to provide such documentation.

For example, there have been instances where a law enforcement agency could not provide a police clearance for a particular offense because the agency no longer has the record. Instead, the agency may be able to provide a "name-search" clearance for an applicant. If this provision remains in the bill, we request that it be clarified to allow INS to accept alternate documentation for a criminal background clearance. As written, this provision limits the Service from accepting alternate documentation for a criminal background clearance.

Proposed amendment: Proposed § 106(a)(5) of the Act would require that the INS employee who conducts the examination of the applicant document the review of his or her recommendation by another Service officer, when the applicant has a criminal history record that "bears upon the applicant's eligibility for naturalization."

INS response: This provision is unnecessary. This review is already an internal policy requirement and has been so for all naturalization examiners since November 29, 1996. However, the Service is currently reviewing this requirement to take into account the relative experience of adjudicating officers. District Adjudications Officers (DAOs) are required to demonstrate independence and proficiency in adjudicating complex cases in order to be promoted to senior grade levels. A statutory requirement to document secondary review of cases involving potentially disqualifying criminal history records without consideration of an individual officer's skill and experience could radically affect and redefine the position requirements for a naturalization DAO. The policy may extend the processing time of an application without taking into account the experience of senior officers who do not require an extra level of review. Making this requirement a statutory requirement would preclude the Service from modifying the policy to reflect the greater competence of more experienced officers.

Proposed amendment: The proposed § 106(c)(1)(E) of the Act would require a background check for any person who has filed a petition to accord a child defined in section 101(b)(1)(F) classification as an immediate relative under § 201(b)(2)(A)(i), and any additional individual, over the age of 18, whose principal or only residence is the home of such person."

INS response: This provision will provide useful clarification of regulations already promulgated by the INS; however, the proposed amendment should be changed to read:

(E) A person who has filed a petition to accord a child defined in section 101(b)(1)(F) classification as an immediate relative under section 201(b)(2)(A)(i), and any additional individual 18 years of age or older, whose principal or only residence is the home of such person.

Proposed amendment: The proposed § 106(d) of the Act would require the Attorney General to charge fees to cover criminal background checks.

INS response: This provision is unnecessary. INS already has the authority for collection of a fee for fingerprinting, as provided under the Department of Justice Appropriations Act, 1998, Pub. L. No. 105-119, 111 Stat. 2440.

Section 5 -- Mandatory interviews for adjustment applicants

Section 5 would enact a new § 245B, requiring each and every applicant for adjustment of status to that of an alien lawfully admitted for permanent residence to appear "before an employee of the Service" for a personal interview concerning the applicant's eligibility. Since the provision is not specific, it appears that it would apply to all forms of adjustment to permanent resident status, whether under §§ 209, 245, 245A, or 249 of the INA or under special adjustment provisions, such as the Cuban Adjustment Act of 1966.

The Service already has adequate authority to require the personal interview of any adjustment applicant. Many cases, however, are quite straightforward and a personal interview is not necessary; consequently, the Service has allowed for a decision to be made on the adjustment application without a personal interview. Conducting an interview in every adjustment case would require the Service to divert significant resources from other essential programs and would greatly delay the adjudications process. The Service should continue to have discretion to determine if a personal interview is necessary, if the Service is satisfied that the interview will have little or no probative value. The Service will, at a minimum, continue to require personal interviews in cases of apparent fraud, misrepresentation, other immigration violations, or whenever there is a need for clarification.

If Congress decides to enact this provision, Congress should at least replace "an employee of the Service" with "an immigration officer or immigration judge." If not, then an alien who seeks adjustment of status in removal proceedings would be required by statute to be interviewed by an INS officer, in addition to the alien's appearance before the immigration judge who decides the case.

Section 6 -- Naturalization Interviews

As with § 4, this section has several provisions. I will comment on each provision separately.

Proposed amendment: Section 332 of the Act would be amended to include a requirement that an examination of an applicant for eligibility include a personal interview, and mandates evaluations of English language skills, discussion of criminal history records, verification of each statement on the application.

INS response: This provision is unnecessary and inadvisable. INS regulations (8 CFR § 335.2) already require an applicant to appear for interview. Nevertheless, the Service is currently considering amending the regulation to permit the Service to deny naturalization, without a personal interview, if the record reveals some clear statutory ineligibility. If the Service reviews the record, and finds that an applicant is ineligible to naturalize (e.g., has not met the statutory residency requirements, has failed to submit requested initial information, etc.), it may be advantageous to amend the regulation in order to allow denial of the application without requiring the applicant to be fingerprinted and scheduled for an appearance. If the Service has knowledge that an application must be denied, it will save the Service and the applicant time and money to adjudicate the application without requiring an appearance. However, if the bill is passed, the Service will be required by statute to interview an applicant, knowing that the application must be denied.

Proposed Amendment: The proposed new Section 332(a)(i)(1) of the Act would require an applicant to demonstrate the ability to speak and understand words in ordinary usage in the English language (unless otherwise exempted).

INS response: This provision is unnecessary. Under § 312 of the Act, applicants are already required to demonstrate the ability to speak and understand English words in ordinary usage, unless otherwise exempted.

Proposed amendment: According to proposed new § 332(a)(i)(2) of the Act, an applicant shall be required to describe any criminal offenses, other than minor traffic violations, during the course of the mandatory interview.

INS response: This provision is unnecessary. It is already an INS policy requirement that naturalization applicants be requested to submit final dispositions for all criminal offenses. In the alternative we request that this language be amended to omit references to "minor traffic violations." To leave this reference in place could prove confusing and misleading, and could result in an applicant's withholding information that is relevant to his or her application. Depending on the actual statutory elements of an offense, what may be called "minor traffic violations" could render an applicant ineligible for naturalization. For example, in California, failure to appear in court, a violation of § 40508A of the Vehicle Code, and failure to pay a fine, a violation of § 40508B of the Vehicle Code, are both misdemeanor violations, regardless of the underlying offenses. Accordingly, if an applicant for naturalization has recently failed to pay a fine resulting from a simple parking ticket, he or she may have been convicted of a misdemeanor offense of failure to pay the fine, and may be on probation. An applicant who is on probation is ineligible to naturalize. Again, depending on the state, an

examining officer may be compelled to investigate "minor" traffic violations, because they may lead to offenses or dispositions that render an applicant ineligible for naturalization by statute. The proposed amendment in the bill is too limiting and does not take into account local or state law.

Proposed amendment: The proposed new § 332(a)(i)(3) of the Act will require an interviewing officer to verify each statement on the N-400, and any documents submitted in support of the application.

INS response: INS opposes this provision. Its effect would be unduly burdensome on the INS and on the applicant. Information on the application includes statements on the applicant's mailing address, residences for the last five years, employment for the last five years, marital history, children, a range of questions relating to the applicant's good moral character, and affiliation with any organizations. The intent of the amendment is unclear. If the intent is that INS verify all such information as part of a detailed investigation, an officer would have to visit the applicant's Post Office box in order to verify its existence, visit the applicant's homes for the last five years, talk to employers and visit work addresses for the last five years, visit the applicants spouse or spouses, all children, and verify each and every good moral character statement. These stringent investigatory requirements would apply for each and every naturalization application.

Further, it should be noted that many applicants list residences, employment, and former spouses and children from various states and from overseas, and it would not be possible to verify this information in a timely or practical manner. According to § 335 of the Act, a detailed neighborhood investigation of an applicant is required, but may be waived at the discretion of the Attorney General. Further, under 8 CFR 335.1, neighborhood checks may be waived at the discretion of the District Director. Such checks are generally unnecessary and do not add to the value of the adjudicative process. Consequently, these investigations are waived almost without exception.

Current INS regulations (8 CFR 335.2) provide clearer and more practical guidance in directing verification of information. Unless an applicant has been granted a § 312 exception due to a disability, information on the N-400 is orally verified at the time of interview. As required under 8 CFR 335.2, at the conclusion of an examination, an applicant must sign the N-400 application under penalty of perjury to affirm he or she knows the contents of the N-400 application, supplements, and all corrections, and that the amended information on the application is true.

It is clear that verification of information, as required by regulation, is already a clearly outlined and integral part of the adjudication process. Mandating this procedure, or increasing the scope of the verification through vaguely worded statutory change, is impractical and unnecessarily complicates current practices.

Section 7 -- Citizenship testing

Proposed amendment: The bill requires INS to develop a master list of testing questions by July 1, 1998, to administer all tests solely through INS or a single contractor (with continual oversight by INS), and to allow for re-testing persons suspected of cheating on one of the previously noted tests.

INS response: This provision should be stricken. INS is currently involved with a complete re-evaluation of how section 312 determinations are made on English and Civics. As part of the first phase of this evaluation, we are proposing to terminate the current outside testing program in its entirety. At the same time, and with the assistance of our consultants on this effort, we plan to pilot a prototype method for pre-testing applicants on English and Civics at the newly opened Application Support Centers (ASCs). Our tentative timetable is to begin the pilot on July 1 of this year, and phase out of the current program by September of this year.

To amend the Act with these suggested requirements will limit the Service's flexibility in our ongoing work with Coopers & Lybrand and in our effort to create a testing program that is safe from fraud and that accurately measuring the applicant's English or Civics ability. We request the Congress grant us time to pilot our proposed testing approach and to develop accurate tests prior to any substantive changes to the INA.

Section 8 -- Requirements with Respect to Resident Alien Cards

Proposed amendment: New § 274E would permit the Commissioner to impose a civil penalty of \$50 upon an alien if he or she fails to report the loss, theft, or destruction of the alien registration card within 7 days after the date that the loss, theft, or destruction occurs.

INS response: This provision should be stricken. In its current form, the provision gives the Service no workable means of accurately determining when, or even whether, the individual lost the Form I-551. Since there is no way to verify when the alien actually lost the Form I-551, it is also impossible to determine when 7 days have passed since the date of loss. At a minimum, we would suggest a similar procedure to paragraph (b)(1)(B) of the section entitled "SURRENDER OF RESIDENT ALIEN CARD UPON NATURALIZATION." According to this paragraph, if an individual loses his or her I-551, that person must submit an affidavit to the Attorney General stating that the card was lost and the approximate date and circumstances of the loss. If an alien were required to submit a similar affidavit for a loss of the Form I-551, the Service would have a manner in which to make the \$50 civil penalty more enforceable.

Even with that amendment, we believe this requirement would be generally unenforceable. It costs a lawful permanent resident \$90 to replace an ARC. It is unclear whether the applicant will be required to pay the fine in addition to the replacement cost

of the ARC. If the applicant has lost his or her ARC and wishes to naturalize, there is no incentive to pay the N-400 filing fee of \$95 and the replacement cost of \$90, when the applicant can swear that the card was lost and pay a lesser fine of \$50.

Further, it is not possible to verify when an applicant has lost an ARC. An applicant could tell an interviewing officer that he or she had lost the card within the last seven days. The applicant would thus have reported the loss within 7 days after the date he or she discovered the loss, and would not be fined. There is no way to enforce this requirement, even if the fine were increased to a more punitive amount.

Proposed amendment: New § 338(b) of the Act would require that the Attorney General refrain from delivering a certificate of naturalization to an applicant when the applicant has failed to turn in his or her ARC, unless the applicant has submitted an affidavit attesting to the circumstances of the loss, theft or destruction of the card, and 30 days has elapsed since the submission of the affidavit.

INS response: This provision is unnecessary. Current policy requires that an applicant complete an affidavit attesting to the loss, theft or destruction of the ARC before the applicant may be naturalized. This is a current processing requirement under the NQP. The proposed amendment does nothing to clarify or improve the integrity of current procedures, but does create a bureaucratic and mandatory processing delay of 30 days. If the intent of the language is that a person not be naturalized unless he or she has submitted the affidavit and 30 days has passed, the language should be amended from "may not deliver a certificate of naturalization" to "may not naturalize".

Proposed amendment: New § 338(b)(2) of the bill would authorize INS to investigate claims that naturalization applicants have lost their ARCs.

INS response: This amendment should be stricken. The purpose and the scope of such an investigation are unclear. If an applicant submits a sworn statement attesting that he or she has lost the ARC, or that it has been destroyed or stolen, how could the Service investigate the claim? Generally, such statements must be taken at face value unless derogatory evidence is received. In most cases, the INS could neither prove nor disprove the loss, theft or destruction of an ARC.

Section 9 -- Revocation of naturalization

Proposed amendment: New §§ 340(a)(2) and (d) would clarify the standards for proving that a person obtained naturalization by the willful concealment or misrepresentation of a material fact.

INS response: The amendment relating to the definition of material fact would be quite helpful. However, this amendment should not be limited to judicial proceedings to revoke naturalization, but should apply as well to all administrative and judicial proceedings under the INA. For this reason, INS believes that the proposed amendment

should be to § 291 of the INA, not to § 340.

Proposed amendment: New § 340(j) would establish a 5 year statute of limitations for an *administrative* proceeding to correct, reopen, alter, modify or vacate a grant of naturalization.

INS response: If this provision is to be enacted, it should be amended by adding to new § 340(j) the following two sentences:

The fact that an *administrative* proceeding to correct, reopen, alter, modify or vacate an order naturalizing a person has become barred by the passage of time under this subsection shall not bar a civil action under section 340(a) of this Act for judicial revocation of naturalization. The United States may bring an action under section 340(a) of the Act at any time.

Section 10 – Quality assurance and improved oversight of the naturalization process

Proposed amendment: The INS would be required to “establish a process (including internal audit procedures, other audit procedures, or both) to review the ongoing compliance with all laws, policies and procedures affecting naturalization by each office” that has naturalization related duties.

INS response: This provision is unnecessary.

The naturalization process has already been subject to extensive audits, and the INS has proposed subsequent audits. The INS has completed an internal review to assess compliance with the proper processing procedures for naturalization applications. The Office of Internal Audit (OLA), in conjunction with the Executive Office for Naturalization Operations (EONO), completed a review of 4 INS Service Centers and 32 naturalization sites within 21 Districts. These reviews included the Service Centers and the Districts that receive the majority of the Service's applications, and were a good measure of the successful implementation of the updated NQP as a whole. The review was comprised of several teams of 3 to 5 senior INS employees, and site visits occurred at intervals starting in August and ending in October. The reviews provided Headquarters INS and the field with feedback on the implementation of the naturalization quality procedures implemented in June 1997.

During FY97, INS, with JMD, also arranged for external audits of the naturalization process. The final results of the external audit review have been extremely favorable. On September 4, 1997, KPMG Peat Marwick reported that the INS had successfully distributed and trained Service Centers and local offices on the updated NQP within the Districts and Service Centers visited. Further, on December 16, 1997, KPMG Peat Marwick provided a final audit report that found of 24 INS Service Centers, District Offices, and CUSA sites visited, 20 had been fully compliant with critical naturalization processing controls. Of the 4 sites that were not in compliance, a zero tolerance

assessment method found one error in each of two offices, and two errors in a third office. In total, of approximately 4,000 files sampled in the 24 offices, 11 files had 12 errors. KPMG Peat Marwick reported that its review results indicate the INS has successfully reexamined its processes and implemented improved processing controls to ensure no ineligible naturalization applicants are granted citizenship.

KPMG Peat Marwick found that the INS has successfully implemented recent naturalization processing requirements, specifically citing that such compliance indicates a reduction in the "likelihood of naturalizing aliens with disqualifying convictions." The INS will shortly commence a new version of the NQP, incorporating suggestions from various audit findings and other feedback. When this version is implemented, the INS will again conduct an internal review of the NQP implementation at various INS sites. This review would be similar in scope to the one that was just completed under OIA's guidance. On an ongoing basis, OIA reviews field office operations every two to three years. These reviews include the naturalization process. Finally, on a monthly basis, each naturalization office reviews 120 - 200 files for compliance with laws, regulations, and procedures. The results of these reviews are sent through the chain-of-command, as well as to OIA. This continuous review of naturalization files provides INS with capability to identify and correct problems quickly, and analyze data for trends towards improvement. Therefore, we are requesting that the language in § 10 be removed from the bill and that the Service be allowed to continue with current audit plans.

Once again, I appreciate the opportunity to testify concerning this bill. I will be happy to answer any questions.

Breakdown of Fee Costs

Application for Naturalization (N-400)

Activity Unit Cost	
Receive Application	\$1.94
Record Fee	1.16
Input Application	3.55
Manage Records	16.96
Adjudicate Application	47.08
Prepare Correspondence	12.51
Issue End Product	15.44
Respond to Inquiry	10.59
Administrative Costs ¹	<u>54.59</u>
Subtotal	\$163.82
Other Unit Costs Assigned to Each Application	
Waiver Cost ²	28.28
Refugee & Asylum Surcharge ³	<u>35.29</u>
Total Cost	\$227.39
New Proposed Cost (nearest \$5)	
	\$225.00

¹ Includes associated physical plant costs, such as rent, utilities and computer systems.

² Refugee and Asylum Surcharge: Congress has directed INS to provide asylum and refugee services at no cost to the recipient (P.L. 101-515) and to recover the costs of refugee and asylum services from application fees [8 U.S.C. 1356(m)].

³ Waiver Costs: Applicants may apply for a waiver of the fee when paying the fee would constitute a financial hardship. The application processing costs for those applicants who were granted fee waivers are assessed to the various application fees.

Figure 6. (Cont'd)

**INFORMATION ON THIS PAGE ADMINISTRATIVELY CONFIDENTIAL
UNTIL RELEASED FOR PUBLICATION BY THE ATTORNEY GENERAL**

Immigration Examinations Fee Account Proposed Fee Schedule Adjustments							
Application Number	Description	Processing Cost	Waiver/ Exempt Cost	Asylum and Refugee Surcharge	Total Cost	Proposed Fee	Current Fee
I-600/ I-600A	Petition to Classify Orphan as an Immediate Relative/Application for Advance Processing of Orphan Petition	291.55	50.33	62.81	404.69	405.00	155.00
I-724	Waiver Forms ³	121.27	20.93	26.13	168.33	170.00	95.00
I-751	Petition to Remove the Conditions of Residence	90.65	15.65	19.53	125.83	125.00	80.00
I-765	Application for Employment Authorization	73.79	12.74	15.90	102.43	100.00	70.00
I-817	Application for Voluntary Departure under the Family Unity Act	86.16	14.87	18.56	119.59	120.00	80.00
I-824	Application for Action on an Approved Application or Petition	85.07	14.68	18.32	118.07	120.00	30.00
I-829	Petition by Entrepreneur to Remove Conditions	249.97	43.15	53.85	346.97	345.00	90.00
N-400	Application for Naturalization	163.82	28.28	35.29	227.39	225.00	95.00
N-565	Application for Replacement Naturalization/Citizenship Document	97.01	16.74	20.90	134.65	135.00	65.00
N-600	Application for Certification of Citizenship	116.64	20.13	25.13	161.90	160.00	100.00
N-643	Application for Certificate of Citizenship on Behalf of an Adopted Child	90.85	15.68	19.57	126.10	125.00	80.00

3

Waiver Forms Include: I-191, Application for Advance Permission to Return to Unrelinquished Domicile; I-192, Application for Advance Permission to Enter as a Nonimmigrant; I-193, Application for Waiver of Passport and/or Visa; I-212, Application to Reapply for Admission into the U.S. After Deportation; I-601, Application for Waiver on Grounds of Excludability; and I-612, Application for Waiver of the Foreign Residence Requirement.

**INFORMATION ON THIS PAGE ADMINISTRATIVELY CONFIDENTIAL
UNTIL RELEASED FOR PUBLICATION BY THE ATTORNEY GENERAL**

Figure 6.

Immigration Examinations Fee Account Proposed Fee Schedule Adjustments							
Application Number	Description	Processing Cost	Waiver/ Exempt Cost	Asylum and Refugee Surcharge	Total Cost	Proposed Fee	Current Fee
I-17	Petition for Approval of School for Attendance by Nonimmigrant Student	\$143.13	\$24.71	\$30.84	\$198.68	\$200.00	\$140.00
I-90	Application to Replace Alien Registration Card	79.48	13.72	17.12	110.32	110.00	75.00
I-102	Application for Replacement/Initial Nonimmigrant Arrival/Departure Record	62.74	10.83	13.52	87.09	85.00	65.00
I-129/I-129H/ I-129L	Petitions for Nonimmigrant Worker	77.49	13.38	16.69	107.56	110.00	75.00 ²
I-129F	Petition for Alien Fiancé(e)	67.45	11.64	14.53	93.62	95.00	75.00
I-130	Petition for Alien Relative	78.75	13.59	16.96	109.30	110.00	80.00
I-131	Application for Travel Document	67.98	11.73	14.64	94.35	95.00	70.00
I-140	Petition for Alien Worker	81.87	14.13	17.64	113.64	115.00	75.00
I-485	Application to Register Permanent Residence or Adjust Status	158.74	27.40	34.19	220.33	220.00	130.00
I-526	Immigrant Petition by Alien Entrepreneur	250.61	43.26	53.99	347.86	350.00	155.00
I-539	Application to Extend/Change Nonimmigrant Status	86.22	14.88	18.58	119.68	120.00	75.00

2

This amount represents the base fee currently charged for the Form I-129. In addition to the base fee, petitioners are currently required to add additional amounts depending upon the number of non-immigrant workers on each petition, or whether the petition is for an extension of stay, change of status, reclassification as a temporary worker or trainee, or to employee an intracompany transferee. The INS has simplified this fee structure by charging a uniform fee for each type of non-immigrant worker petition filed.



**U.S. Department of Justice
Immigration and Naturalization
Service
Executive Office for
Naturalization Operations
TechWorld Building
801 I Street, NW
9th Floor
Washington, DC 20536
Phone: (202) 514-6442
Fax: (202) 514-8853**

FAX COVER

(for 19 pages including this cover sheet)

TO: Julie Fernandez / Maria Echaveste

FAX #: 6-5581 6-2983

FROM: Michael King

DATE: _____

RE: Immigration Background Materials

- Map of Finger printing resources
- Paul Virtue testimony regard INS position on Immigration Legislation
- Break down of costs and proposed Fee increases. * No time line has be established for increases

Call if you want more/other Material.

NS Fingerprint Sites for United States

202 514 8853 P.02/19

CRIM/INS

JUN-10-1998 17:59



- ★ Designated Law Enforcement Sites
- 🚗 Mobile Route Stops
- Application Support Centers
- ASC Co-Located Sites

Site information is current as of May 28, 1998. Please be advised that all information is subject to change.

Prepared By: US Department of Justice, (

Division, Office of Administration, GIS Staff

9, 1998

Congress and the Administration Must Work Together To Solve the Citizenship Backlog Crisis

Issue

Applicants for U.S. citizenship currently must wait two years or more for their applications to be processed due to a backlog of more than 1.8 million cases at the Immigration and Naturalization Service (INS). Resolving the chronic naturalization backlog will require the coordinated action of lawmakers and administration officials.

Background

The Citizenship Backlog – The number of immigrants applying for citizenship increased dramatically in the mid-1990s, from approximately 522,000 in 1993 to 1.6 million in 1997. In 1995, the INS responded to this growing demand and the resulting backlog of one million naturalization applications by implementing the "Citizenship USA" program. While this program increased the speed at which applications were processed, its activities were not adequately coordinated with criminal record checks conducted by the FBI. To solve this problem, the INS implemented more stringent security measures to ensure the integrity of the naturalization process. This, in turn, slowed the processing of applications and further increased the backlog.

Funding for Naturalization – Normally, naturalization processing is paid for by fees immigrants pay when they apply. The INS recently raised the naturalization fee (from \$95 to \$225), claiming it was not collecting enough to pay for the service. In recent years, millions of dollars in fees have been used to pay outside consultants for audits and the formulation of proposals to redesign the naturalization process. As a result, applicants pay not only for the processing of their own applications, but for the correction of long-standing management problems within the INS.

Current Status

In the 105th Congress, Representative Lamar Smith (R-TX) introduced legislation that would have created additional bureaucratic obstacles for many naturalization applicants. The legislation, which purported to make the naturalization process more "secure," would have imposed unnecessary burdens on applicants and on the INS, without any comparable enhancement to the integrity of the process. By the time the legislation was offered, the problems that plagued the naturalization process during the Citizenship USA program had been corrected by the INS, according to an independent audit released in December 1997. More recent audits have reconfirmed the integrity of the process. At the end of the last congressional session, Congress approved a "reprogramming" of \$171 million to assist the INS in reducing the backlog. Over the next several months, the INS will deploy the additional resources to its offices responsible for most of the backlog. On January 15th, 1999, the application fee was raised from \$95 to \$225, despite the failure of the INS to reduce the backlog in the past year.

What Lies Ahead

In the coming year, lawmakers and the administration must continue to work together to ensure that adequate resources are allocated and used efficiently to reduce the naturalization backlog. Applicants are paying a "fee for service" and should be entitled to service for their fee. In its Fiscal Year 2000 budget, the Administration has requested an amount of \$124 million to continue backlog reduction efforts funded by Congress in 1998. This additional funding—and perhaps more—will be the minimum necessary to accomplish important steps in the redesign of the naturalization process so as to eliminate bottlenecks, create uniform procedures and forms, and establish standards for quality control and customer satisfaction. Any legislation focusing on security concerns that have already been remedied would do little more than further aggravate the backlog. With the substantial fee increase that has just gone into effect, the INS must formulate a clear policy on the granting of fee waivers to those applicants who cannot afford to pay the full amount.