



January 19, 2020

The Honorable Joseph R. Biden  
President-Elect  
1500 Market Street  
Philadelphia, PA 19102

Dear President-Elect Biden:

On behalf of the Naturalization Working Group (NWG), we write to congratulate you on your election as President of the United States. We stand ready to work with you to develop and implement policies that will make naturalization more accessible and affordable to the nearly nine million lawful permanent residents (LPRs) who are eligible to become U.S. citizens. This letter sets forth our recommendations to achieve this important goal.

The NWG is coordinated by the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, and made up of national and local organizations committed to helping lawful permanent residents (LPRs) become United States citizens. The NWG strives to improve federal policies and practices related to naturalization and to educate legislators and other policymakers about the need to eliminate barriers to naturalization. Our coalition's expertise derives from its multiple member organizations that have significant experience in promoting naturalization and in assisting newcomers with the U.S. citizenship process, including immigrants who are serving in our military. The NWG is the policy complement to the New Americans Campaign (NAC), a diverse nonpartisan national network of respected immigrant-serving organizations, legal services providers, faith-based organizations, immigrant rights groups, foundations and community leaders. The Campaign transforms the way aspiring citizens navigate the path to becoming new Americans.

Ensuring that naturalization is accessible and affordable to all eligible LPRs confers great benefits on America's economic and civic life. On average, naturalized citizens earn a higher income, comprise a significant share of small-business owners, and contribute to our nation's prosperity. Naturalized citizens also make social and cultural contributions to their communities, and actively participate in our democracy. However, there are nearly nine million eligible LPRs who have not yet become U.S. citizens and, in addition to traditional barriers to naturalization, many have experienced additional hurdles during the Trump Administration. For example, naturalization applicants have experienced long wait times, unnecessary bureaucracy, extreme vetting and the prospects of increased fees and the imposition of a new citizenship test. For these reasons, relying on the experience and expertise of its members, the NWG presents the following recommendations for promoting the opportunities of U.S. citizenship to eligible LPRs, and ensuring that the naturalization process is carried out in a fair and accessible manner.

We note from the outset that your Administration will not be able to achieve this goal unless the nominees for Secretary of Homeland Security and Director of U.S. Citizenship and Immigration Services (USCIS) have backgrounds and experience that demonstrate appreciation of the needs and aspirations of USCIS's customers and stakeholders. We commend you for the nomination of Alejandro Mayorkas to

serve as Secretary of Homeland Security because he is exceptionally qualified for this position. We also believe that all appointees to USCIS should demonstrate their commitment to a restored mission of fair administration of immigration services, providing timely adjudications, and prompt and responsive customer service.

**I. Top Priorities:**

In this letter, we provide both administrative and legislative recommendations, in several sections. **First, we encourage the Administration to take the following seven “Top Priority” actions as soon as possible – optimally within in the first 100 days of the Administration.** We also set forth recommendations for structural and organizational changes; overall changes in policies and practices; specific administrative changes to policies which have been implemented relatively recently; and legislative recommendations. While there are many changes to our immigration system your Administration should consider, the NWG encourages your Administration to take the following seven actions as soon as possible:

- 1. Establish a USCIS agency culture that emphasizes its mission of adjudicating benefits and providing quality customer service.** Adjudications should be started with a neutral review for eligibility. The agency should implement additional training to balance the need for quality customer service with the need to identify and reduce fraud, although we believe that in most cases, these needs are not incompatible. To improve customer service and to instill these skills throughout USCIS, we recommend requiring all USCIS staff to have customer service training, requiring more adjudicators to work in customer service positions as part of training or as a temporary assignment, and to consider customer service backgrounds as favorable criteria for future hires. The agency should also improve its diversity and inclusion training. A fundamental change in the USCIS’s culture can also be accomplished in part by changing the USCIS mission statement back to the statement used before the Trump Administration and instilling in agency personnel through leadership and training a renewed commitment to the agency’s previous mission. For reference, the USCIS mission statement previously declared: *USCIS secures America’s promise as a nation of immigrants by providing accurate and useful information to our customers, granting immigration and citizenship benefits, promoting an awareness and understanding of citizenship, and ensuring the integrity of our immigration system.*
- 2. Reduce the naturalization processing backlog.** USCIS should establish a case processing goal of 4-6 months for naturalization applications. The agency should also commit to re-examining at set intervals whether it has met this goal, and whether its procedures can be improved to increase efficiency and reduce applicants’ wait times. Predictable timeframes for every case are essential for both the agency and the applicants’ ability to plan for the future.
- 3. Immediately halt the August 2020 fee schedule and revert to the previous fee schedule; revert to the pre-2019 fee waiver form and policy and preserve all three avenues for obtaining a fee waiver (means-tested, income-based and economic hardship).** USCIS should conduct a new fee study and commence a rulemaking process based on that study with a restored commitment to ensuring the fee schedule fully recognizes the benefits that naturalization confers upon the nation. The schedule should also recognize the importance of waiving fees for applicants for naturalization and for other applicants who cannot afford the fees. This rulemaking should limit any increase on the full naturalization fee so that there is not an exorbitant increase that would make the new fee a barrier to naturalization. The current partial fee waiver (reduced fee) should be preserved. Additionally, the agency should consider establishing new guidelines that would permit more applicants to qualify for a reduced Form N-400 fee.
- 4. Halt the implementation of the new civics test, which the agency intends to use for applications filed starting December 1.** USCIS has not provided any sound rationale for changing the civics test; the new test is more difficult, and will likely create unfair obstacles to eligible LPRs.

USCIS should evaluate if a new test is even needed, and if it determines a new test is needed after an open and transparent process, it should also ensure that a new test will not pose a barrier to naturalization by increasing the failure rate. If the agency moves forward with the new civics test, there should be a phase-in period before applicants are required to take the new version. USCIS should provide detailed information to stakeholders on the rationale, process, methodology, and pilot results of the any new test. It should also engage in outreach to and consultation with a broad group of naturalization service providers and English-language learning education experts to obtain their perspectives on the civics test.

**5. Revise Notice to Appear (NTA) guidance so that USCIS issues an NTA only if it is statutorily or regulatorily required.** An NTA is the charging document issued to initiate removal proceedings against applicants. USCIS should rescind the [2018 NTA memo](#) and immediately halt issuing NTAs categorically to removable applicants where not required by statute. USCIS should prioritize the adjudication of benefits over enforcement. The agency should also provide guidance to clarify that adjudication officers shall not initiate or participate in enforcement actions (beyond any necessary provision of files and other information to enforcement officers) other than those that are specifically authorized by law.

**6. Review all policies on Requests for Evidence (RFE) and Notices of Intent to Deny (NOID).** There are two primary issues with the agency's policies on RFEs and NOIDs. First, USCIS has issued many inconsistent and unnecessary RFEs creating significant burdens for applicants and organizations and representatives assisting them. These RFEs also unnecessarily increase processing times. Second, in other cases, USCIS has stopped issuing necessary RFEs and NOIDs and instead has been denying cases without giving the applicant a chance to address questions or fix deficiencies in the record. We recommend rescinding the [July 13, 2018 memo](#) and reinstate requirements that RFEs and NOIDs be issued in advance of a denial unless there is a statutory basis for the denial. Overall USCIS should establish more thorough review of RFEs and NOIDs issuance, including timely and continuous review of template language and training for adjudicators on how to modify the template language. This should include identifying trends in the deficiencies noted in RFEs/NOIDs so that form instructions, training for adjudicators, or public guidance can address these issues.

**7. Freeze any new denaturalization reviews or referrals to the Department of Justice (DOJ), pending review of the necessity and benefits of the expanded caseload over the past ten years involving matters that would not previously have been considered for this extreme step.** The Department of Homeland Security (DHS) and DOJ should dismantle the denaturalization task force, Operations Janus, and Second Look, and consider whether such efforts are the best use of resources given the existing backlogs and the chilling effect such expanded use of the denaturalization authority has on potential applicants for naturalization. The government should make public the number of cases, outcomes, criteria used for referral to DOJ, resources spent, and related information on any denaturalization cases on an ongoing basis starting with any pending cases as of January 2021. If after considering whether such denaturalization efforts are a good use of resources, DHS and DOJ were to consider engaging in such denaturalization efforts again, they should seek the input of the advocacy community first.

## **II. Structural and Organization Recommendations:**

**A. Create a White House Office of New Americans.** This office would be charged with making cross-department and cross-agency recommendations to promote U.S. citizenship and integration and ensuring that all immigrants and stakeholders are treated with dignity and respect. It would also help promote a federal government orientation toward welcoming and including immigrants, and provide recommendations to states and localities on best practices in immigrant integration.

In conjunction with the USCIS Office of Citizenship, the White House Office should develop and implement a media and public education campaign on the opportunities of naturalization and the options

available for applicants who cannot afford the naturalization fee. The campaign should affirm the importance of becoming a U.S. citizen, raise awareness about the fee waiver, and urge eligible LPRs to apply as soon as they are eligible. Some of the components this campaign could include are outreach by the U.S. Customs and Border Protection (CBP) through which officers would provide naturalization information to LPRs with 5 years or more of permanent residency who are returning from international travel through the ports of entry; outreach to high schools, perhaps in conjunction with Selective Service; a policy and process to inform new LPRs about applying for naturalization at the first opportunity, how to begin preparing, where to find assistance; and the dissemination of public education materials through other avenues such as social and digital media. The Administration should pursue sufficient discretionary funding from Congress for the activities of the White House Office of New Americans to carry out the Office's activities.

**B. Appoint a special Advisor to the Secretary of Homeland Security for Citizenship and Immigrant Integration.** This advisor would be charged with working across the DHS immigration agencies and all components that affect immigration (such as USCIS, ICE, CBP, FEMA, TSA, Coast Guard, and the CIS Ombudsman) to help ensure that all agency personnel respect and acknowledge the importance of positive interactions between stakeholders and government agencies. The advisor would also liaise with the Departments of State, Defense, and Labor on these issues. We recommend that candidates for this position be naturalized citizens and/or have experience providing naturalization services.

**C. Separate out the USCIS Office of Citizenship from the External Affairs Directorate and elevate it again to a program office.** The Homeland Security Act specifically established the Office of Citizenship within USCIS, and the Office should remain in an elevated place within the USCIS organization. It is currently located in the External Affairs Directorate as one of three parts of the Office of Citizenship and Applicant Information Services. It currently does not have a direct line to the "Front Office" of USCIS. We also recommend increasing the number of staff positions in the Office of Citizenship. This would allow increased capacity to conduct public awareness campaigns on citizenship and integration, increase support for organizations awarded the Citizenship and Integration Grants, and liaison with the advocacy community. The office's budget and scope of permissible activities should be expanded to include capacity-building in the form of grants to increase the capacity of national, regional, or statewide organizations to work with their affiliates, members and partners to offer citizenship services in underserved communities.

**D. Re-establish and improve the USCIS Office of Public Engagement.** USCIS must re-establish a culture of transparency and collaboration with organizations that work closely with immigrant communities. Local and headquarters USCIS staff must be directed and empowered to engage in regular dialogues with these organizations. The agency should consider increasing the number of community relations staff to help achieve this collaboration. It should also restore the practice of conducting formal community engagement sessions to obtain input on evolving policy and practice issues.

**E. Re-establish the USCIS Office of Customer Service.** This would include restoring and improving the InfoPass appointment system, which allows the online self-scheduling of in person appointments at specific offices. It would also include implementing systemic reforms to the Contact Center system, including allowing calls to the 800 number for in-person conversations. While the agency's website and online accounts provide information to customers, given the complexity of the immigration laws and system, it is difficult for automated services to completely replace the assistance provided by talking to someone in-person or on a call. The agency should re-establish the practice of equipping first line operators at the call center with complete information and authority to provide assistance and access InfoPass appointments. Under current practices, legal representatives struggle to reach and resolve issues with supervisory officers when calling the Contact Center. USCIS may need to bring the call center operation in-house and staff it with agency employees, instead of using contractors. This could improve the quality and scope of assistance and could avoid disruption and the loss of experienced staff that results when the agency needs to re-bid contracts.

In addition, a return to the decentralization of customer service and specific location e-mail contacts would allow applicants to directly contact the office or center where their case is located. This approach could involve providing direct contacts with product line personnel at service centers and field offices. However, if this system does not resolve an issue, USCIS should establish a way for the public and organizations that assist applicants to elevate inquiries with USCIS to headquarters. This could include establishing a Front Office position to troubleshoot, investigate, and track patterns in inquiries to identify where changes or increased resources are needed. The agency should share information about the issues raised with the Front Office and the evolving patterns within the inquiries.

**F. Establish a process to solicit and accept donations for the Citizenship Gift and Bequest**

**Account:** Starting in Fiscal Year 2017 USCIS was given explicit statutory authority, 8 USC 1382, to solicit, accept administer and utilize gifts for the purpose of promoting citizenship and immigrant integration. The agency should fully use this authority to obtain funding for grants and related activities.

**III. Recommended Changes to Policies and Practices:**

**A. Provide information about the naturalization process and resources to potentially eligible populations.** USCIS should provide naturalization information at the time individuals first attain LPR status, with clear instructions and guidance about preparing to apply for naturalization as soon as they are eligible and connections to preparation and assistance resources. This information should be provided on an on-going basis at key points of interaction between LPRs and USCIS. For example, this information should be provided at adjustment of status approvals, with removal of conditions (I-751 and I-829 approvals), and with every ten-year green card renewal (I-90) approval. The agency's Electronic Immigration System (ELIS) could easily generate a notice with this information that would give this likely naturalization eligible population access to resources and materials which are already available in places such as USCIS's website.

**B. End extraordinary requirements imposed on organizations awarded a Citizenship and "Assimilation" Grant.** These include the requirement that all instruction must be in English; that organizations can only employ teachers who possess specific credentials; and that G-28s must be filed with all naturalization applications with which the organizations assist. USCIS must also end the required use of the e-Verify system for grantees and the partners they work with. Elimination of these restrictions would allow organizations to be more flexible, effective, and reach more people. USCIS should also restore the name of this program to the Citizenship and Integration Grant Program, its title before the Trump Administration.

**C. In offices with administrative oath ceremonies, adopt a nationwide policy of same-day oath ceremonies if the applicant is approved, and ensure applicants have an option of a remote oath ceremony even beyond the end of the pandemic.** When there is an administrative oath ceremony, offer a remote video ceremony at the applicant's election. More options should be available for applicants if they do not want to wait for the larger ceremonies. The agency has expanded the options for remote ceremonies because of our public health environment, or for applicants who have specific individual needs; however, these options should be available for all applicants at all times.

**D. In-person interviews should not be mandatory for all applicants. Implement remote interviews for applicants who elect prefer this option.** Given that the COVID-19 pandemic is likely to continue presenting public health challenges through 2021, and that similar crises may recur, it is essential that applicants have an option to take their interviews in a safe environment. Current changes to interview practices still require the applicant and the adjudication officer to be in the same building, so these practices are not flexible enough to accommodate the health concerns of applicants who are not able or willing to come to a USCIS building. USCIS could also utilize remote interviews to assist in balancing its workload across offices and thereby reducing processing times. Beyond providing accessibility solely for applicants with health concerns, USCIS should also explore the feasibility of remote interviews at other

locations such as the applicant's home, representative's offices, Application Support Centers, libraries, Post Offices or other secure locations.

**E. Improve agency policy related to immigration data transparency and the naturalization process by providing more information** about the naturalization exam pass rates by fiscal year and USCIS district; data on the annual number of fee waivers and reduced fees requested and approved for the Form N-400; data on the number of disability exceptions waivers (N-648s) requested and approved; and more detailed information on the cost breakdown used to determine individual fee levels, including direct and indirect costs. USCIS should also provide data on the primary reasons for application denials. All of these data would help federal agencies, state agencies and service providers understand and address barriers to naturalization. This information should be published at least semi-annually on the USCIS website or through the Office of Immigration Statistics.

**F. Restore and resume collaboration between the Department of Homeland Security (DHS) and the Department of Defense (DOD) to promote U.S. citizenship among military service members,** ensuring that the process is easily accessible, coordinated across agencies, and provided with additional support within all relevant agencies or branches. This will help ensure that no eligible service member misses the opportunity to apply for naturalization. Specific recommendations in this regard include:

- Expand or reopen overseas military naturalization centers and services.
- Direct supervisory officers to proactively reach out to noncitizen servicemembers to inform them of their eligibility for citizenship and offer assistance with the application process.
- Given the extensive time it takes to complete background reviews, eligible noncitizens who enlist in the military should be allowed to start their basic training as soon as their background screening has been initiated, and restore the previous policy of providing servicemembers with affirmation of satisfactory service for naturalization purposes immediately upon entry into service.
- Amend the DOD policy to allow all active-duty applicants to submit Form N-426 to a qualified certifying officer, their commanding officer, or a local service record holder to certify the applicant's honorable service.
- Adopt changes to the USCIS Policy Manual and other internal guidance that expand military parole in place (PIP). PIP should be expanded to include any surviving spouse or unmarried child of a U.S. citizen service member (regardless of their age), or of a noncitizen service member.
- Revise the USCIS Policy Manual to clarify that it will treat noncitizen and citizen members of the U.S. military and employees of other government agencies the same.

**G. Reevaluate the way the USCIS conducts the naturalization test of ability to understand and speak English.** The current process relies solely on the interaction between the applicant and adjudicator during the naturalization interview, and applicants' ability to understand and answer questions on their application form. These complex and often compound questions mirror the language that sets forth legal requirements, and do not use words and phrases one would generally encounter in everyday life. This approach does not meet the statutory naturalization requirement that English-language proficiency be tested by words in "ordinary usage". [INA 312(a)(1)]

**H. Enhance the ability of the Ombudsman to have a more effective impact on USCIS' delivery of quality naturalization and immigration services to the public.** As is the case with USCIS, the Ombudsman's culture needs to focus on improving customer service and this should be instilled by the Office's leadership throughout the organization. The Ombudsman must take a more proactive approach in monitoring and following up with USCIS for customer complaints which have merit. The Ombudsman should also more consistently use the "lessons learned" and data collected from these complaints to develop and submit recommendations for USCIS to improve their services. The Ombudsman should also regularly meet with coalitions of nonprofit organizations and other stakeholders who are familiar with diverse immigrant communities, such as the NWG. These meetings would provide an opportunity for the Ombudsman to collect new recommendations for improvements in USCIS services, and to obtain input

about whether the USCIS has effectively implemented service improvements previously recommended by the Ombudsman. The Ombudsman should also meet with these coalitions and stakeholders as it drafts the Annual Report it must send to Congress, and the Annual Report should include a section which specifically sets forth their most salient recommendations and feedback.”

**IV. Additional administrative recommendations – changes to recent USCIS policies:**

The following changes include those applicable to immigration services forms, and those specific to naturalization.

**A. General (applicable to all forms):**

- **End the current “no blank space” policy.** Clarify rejection and denial guidance on “incomplete” applications. Create or revise guidance to adjudicators that directs them to decline to take action, or to take the least-possible disruptive action, to correct non-substantive errors or omissions (such as failure to insert “N/A” where a question does not apply) in applications and other materials filed by or on behalf of petitioners. For example, many form instructions ask for the use of N/A or “none.” However, failure to do so should not result in a rejection or denial of the application.
- Eliminate USCIS Tip Form launched in 2020 (<https://www.uscis.gov/report-fraud/uscis-tip-form>) as it is an unnecessary and inappropriate use of USCIS resources. ICE has the authority to conduct such investigations and has a public tip line. The tip form encourages the perception of presumption of fraud in immigration and is based on notions of fraud that are vague and overbroad.

**B. Naturalization:**

- Rescind Policy Manual sections that expand beyond statutory grounds the list of acts that may result in failure to establish good moral character, and direct adjudicators throughout the country to consider counterbalancing factors that mitigate in favor of finding that an applicant possesses good moral character. We note that for cases in the jurisdiction of the Ninth Circuit Court of Appeals, adjudicators must follow this practice; we urge that this become the policy nationwide.
- Withdraw the [November 2020 updates](#) to the USCIS Policy Manual (“Prerequisite of Lawful Admission for Permanent Residence under All Applicable Provisions for Purposes of Naturalization”) which require unnecessary scrutiny and re-adjudication of the green card process for naturalization applicants and unnecessary use of agency resources.
- Revise USCIS’s approach to the Form N-648, Medical Certification for Disability Exceptions. The current approach is one of suspicion and an assumption of fraud that is not appropriate for a situation when individuals are claiming a disability. While we recognize that USCIS must still monitor for fraud, the process itself should not assume bad intent especially when the risk is excluding persons with disabilities from U.S. citizenship. The agency must give more deference to medical professionals who complete the Form N-648. The current Form N-648 guidance and the form itself include questions that are beyond USCIS’s regulatory authority. USCIS should simplify the form and form instructions so that applicants and physicians can understand and comply with the requirements.
  - Rescind the Form N-648 policy guidance that was issued on December 12, 2018 and [December 4, 2020](#). Rescind the new grounds for denial of the Form N-648 that went into effect on February 12, 2019, that added 14 factors giving rise to credible doubt and directed officers to deny the Form N-648 on any of those grounds including a catch-all “any other articulable grounds” provision.

- Allow applicants to use the earlier edition of the Form N-648 dated May 23, 2019. This would eliminate burdensome and unnecessary new questions about onset and diagnosis dates, as well as questions that go beyond statutory and regulatory criteria, such as questions about activities of daily living unrelated to naturalization requirements.

**C. Continue to improve and expand online filing with a focus on allowing third-party platforms to interact with USCIS online filing.** As part of improving online application filing, USCIS should make a priority of ensuring that there is an online fee waiver application. Under current practices, applicants pursuing fee waivers cannot file their naturalization applications online because of the lack of availability of an online waiver option. While we support improved access to online application filing, we also note that we do not believe that this approach should be mandatory for all applicants. Many LPRs do not have access to telecommunications or computer technology, or the computer literacy that is required to submit an online application. It is also critical that non-profit partners and advocates be provided with technical guidance and support to be able to use the online system. Moreover, while many naturalization services providers are moving to a model of providing online application services, many others do not have the resources to implement this approach. As noted below, Congress should authorize use of citizenship and integration grant funding to build the capacity of community groups including to assist applicants in filing online.

**D. Evaluate the impact of DOJ Executive Office of Immigration Review (EOIR) regulations.** Two changes to DOJ regulations have had an impact on programs which represent naturalization applicants. First, changes to DOJ regulations purporting to be a reorganization severely weakened the formerly independent Office of Legal Access Programs (OLAP) by placing it within a new office created by the Trump administration, the EOIR Office of Policy. The regulation also delegated Board of Immigration Appeals (BIA) decision-making power to the head of EOIR. We recommend the elimination of the Office of Policy from EOIR as making policy is not within the scope of EOIR's authority. The restoration of the OLAP can be implemented by withdrawing the final rule of November 3, 2020, [85 FR 69465](#), which dismissed 196 of the 198 comments filed in opposition to the interim final rule of August 2019, 84 FR 44537. We recommend restoring the OLAP, with the Recognition and Accreditation, Legal Orientation Help Desk and all legal access programs, to an independent office within EOIR with the career staff that have run OLAP for decades. This would also assist in reducing the processing time of applications for DOJ Accreditation and Recognition which are now taking twice as long as a year ago. Secondly, we urge the withdrawal of the September 2020 EOIR Proposed rule, [85 FR 61640](#), on limited representation. OLAP has funding to contract with non-governmental organizations to provide the legal orientation and help desk programs. The proposed rule on limited representation would, among other things, radically alter the content of what contract providers of legal orientation and help desk services can present. These contractors often also provide citizenship services, and rely on the funding from OLAP to remain operational. The proposed rule changes the definition of "preparation" and "practice," rendering these programs ineffectual and unable to deliver the services for which Congress created them.

#### **V. Legislative Recommendations:**

The NWG also supports several legislative changes to ensure a more equitable and accessible naturalization process, and we urge you to work with Congress to move legislation forward addressing these changes. For all recommendations below involving discretionary appropriations, we recommend and encourage additional congressional oversight after Congress approves them.

**A. USCIS should request a one-time discretionary appropriation from Congress to eliminate the backlog that has accumulated during the Trump Administration and the COVID pandemic.** Current processing times have reached several years, particularly in some of the larger offices. Through report language, Congress should set a standard that USCIS adjudicates all naturalization cases within 4-6 months. There should be additional congressional oversight to ensure that USCIS reduces processing times and has processes in place to maintain the foregoing goal.

**B. Congress should appropriate at least \$20 million in funding for USCIS's immigrant integration and citizenship grant program.** Without discretionary funding, USCIS will have to fund the grant program through an additional surcharge to citizenship and other immigration applications. Congress should also provide that a portion of such funding can be used for technical assistance to develop the capacity of community organizations to assist applicants with online filing. Enhancing the ability of applicants to file online would streamline USCIS application processing.

**C. Congress should, on an ongoing basis, appropriate funding for costs related to the adjudication of certain applications and other USCIS functions that are currently covered by application fees.** Under the current model of funding USCIS operations, the agency's operations are generally required to be funded through application revenues – a “fee for services” model. However, there are agency operations for which no fees are or should be charged (for example, certain humanitarian activities or the adjudication of applications for which fee waivers are granted). Thus, other applicants essentially support these activities through their application fees, which pay for activities unrelated to the services these applicants obtain. This has been one reason for the high level of naturalization fees. Congress should work with the USCIS to obtain a sound estimate of costs that should not be covered by fees, and appropriate funding to cover them. This would avoid needing to charge fees in areas where it is not appropriate or passing on unfair costs to naturalization, adjustment of status or other applicants not in a position to bear additional costs.

**D. Congress should enact legislation that preserves the availability of fee waivers.** This legislation should provide fee waivers that are explicitly calibrated with respect to applicants' ability to pay, to ensure that eligible LPRs can pursue U.S. citizenship regardless of their financial circumstances. As noted above, Congressional appropriations should cover the costs of adjudicating applications for which these waivers are granted.

**E. Congress should pass legislation allowing for 1) waiver of the naturalization interview when the eligibility of naturalization applicants is not in question, and 2) remote interviews.** Under current law, the USCIS must conduct an interview in every naturalization case. However, the agency could streamline the naturalization process by waiving the interview under certain circumstances. For example, the agency could implement an online English and civics test. For applicants who pass this test, or qualify for an exemption from it, the agency could waive the interview when the applicant clearly satisfies all other eligibility requirements. We understand that USCIS may feel it is important for an applicant to appear in person at some point in the naturalization process. However, even if the agency waives the in- person interview, the applicant would still appear in person at a biometrics appointment and possibly for the oath ceremony.

We have noted above that there is also a need for greater flexibility to conduct naturalization interviews in settings other than the USCIS' offices. We believe that the agency has the administrative authority to change many of its practices in this regard, particularly given the COVID-19 pandemic. However, we also believe that clear statutory authority for remote interviews would be beneficial and allow for the most flexibility as we move past the global pandemic.

**F. Congress should appropriate funds for a media campaign promoting naturalization,** which highlights the opportunities of naturalization and the options available for applicants who cannot afford the naturalization fee. The campaign should affirm the importance of becoming a U.S. citizen, raise awareness about the fee waiver, and urge eligible LPRs to apply as soon as they are eligible. As noted above, this campaign could be coordinated by the White House Office of New Americans, and could include a wide array of components conducted by several federal agencies.

**G. Congress should amend section 312 of the INA to make the English fluency and civics knowledge requirements more equitable. These amendments include:**

- **Permitting LPRs to demonstrate English fluency and civics knowledge through educational attainment in the United States and other alternate means.** Congress should provide an exemption from the citizenship test to LPRs who are able to demonstrate that they graduated from high school after completing academic grades six through 12 in the United States where their curriculum reflects instruction in and assessment of knowledge of U.S. history, government and civics, as well as the English language.
- **Expanding the exemption from the English fluency and civics requirements to certain older applicants regardless of their length of permanent residency in the United States.** The statutory “50/20” and “55/15” exemptions from the English fluency requirements prevent many older applicants with shorter periods of permanent residence from applying for U.S. citizenship when they are first eligible. Learning a foreign language becomes increasingly more challenging as adults become older, and many older LPRs are not able to become U.S. citizens because of the English fluency requirements. Many of these LPRs are eager to fully participate in our nation’s civic life, and have educated themselves about our nation’s history and government. Congress should thus create a new exemption from the English fluency requirement for older applicants that would also provide for “special consideration” on the civics test (essentially, a less difficult civics test). Eligible LPRs who are older than 60 and have been living in the United States as permanent residents for at least 10 years, and those older than 65 who have been living in the United States as permanent residents for at least five years, should receive a waiver from the English fluency requirement. Eligible LPRs who are older than 75 and have been living in the United States as permanent residents for at least five years also should receive a waiver from the civics requirements in the naturalization test.

**H. Congress should enact the Adoptee Citizenship Act or similar legislation to ensure that adopted children who were already 18 or older when the Child Citizenship Act (CCA) of 2000 took effect are able to apply for U.S. citizenship.**

**I. Congress should narrow the grounds of inadmissibility and deportability, and the grounds for lack of good moral character (INA 101(f)) regarding false claims to citizenship and unlawful voters (INA 212(a)(6)(C)(ii), 237(a)(3)(D) and 237(a)(6)), and provide for a waiver of or broader exceptions to these grounds.** With the trend toward automatic voter registration laws, it is easier for immigrants who may not be familiar with these processes to unintentionally register to vote. People who do so should not face any negative immigration consequences when there is no clear and convincing evidence that the individual is attempting to engage in fraudulent activity. Corresponding changes to the INA 101(f) good moral character requirement for naturalization should also be considered.

We note that the Biden-Sanders Unity Task Force Recommendations include several of the foregoing recommendations, and we appreciate your commitment to achieving such goals as ending the politicization of the denaturalization process; eliminating unfair barriers to naturalization; reducing the citizenship backlog; rejecting unreasonable naturalization fees; and generally building a 21<sup>st</sup> Century immigration system. We also greatly appreciate that the plan for the first 100 days of your administration includes restoring faith in the citizenship process by removing roadblocks to naturalization and addressing the application backlog. Thus, we applaud your commitment to defend and restore faith in the naturalization process.

We look forward to working with you to secure our values as a nation of immigrants, modernizing our immigration system, and welcoming immigrants into our community. Thank you for taking the time to consider these recommendations, and please contact Ms. Rebecca Roles, NALEO Educational Fund Naturalization Policy Advisor, at [rroles@naleo.org](mailto:rroles@naleo.org) with any questions.

Sincerely,

NALEO Educational Fund

Asian Americans Advancing Justice - Atlanta  
Asian Americans Advancing Justice - Los Angeles  
Asian Counseling and Referral Service  
Bonding Against Adversity Inc  
Boulder Valley Unitarian Universalist Fellowship  
CASA (Maryland, Virginia, Pennsylvania)  
Catholic Charities Dallas  
Catholic Legal Services, Inc.  
Central American Resource Center of California (CARECEN Los Angeles)  
Central Valley Immigrant Integration Collaborative  
Chinese Information and Service Center  
Citizenship News  
City of Seattle Office of Immigrant and Refugee Affairs  
Coalition for Humane Immigrant Rights (CHIRLA)  
Dominicanos USA  
Emerald Isle Immigration Center  
Employee Rights Center  
Filipino Advocates for Justice  
Georgia Association of Latino Elected Officials (GALEO)  
HIAS Pennsylvania  
Hmong American Women's Association, Inc.  
Immigrant Legal Resource Center  
Intercambio Uniting Communities  
Jewish Family and Children's Services  
Kentucky Refugee Ministries  
Kids in Need of Defense (KIND)  
Language & Communication Associates  
Massachusetts Immigrant and Refugee Advocacy Coalition  
Michigan Immigrant Rights Center  
Mujeres Latinas en Acción  
National Immigration Forum  
National Partnership for New Americans  
North Carolina Asian Americans Together  
Northern Manhattan Improvement Corporation  
OCA-Greater Houston  
OneAmerica  
Pro Bono Net  
Refugee Women's Alliance (ReWA)

Self-Help for the Elderly  
South Asian Network  
TODEC Legal Center  
UnidosUS

Carol Wolchok  
Lea Nelson  
Scott M. Nelson  
Robert Norris  
Lu Wright  
Maria Stepanyan  
Pablo Toral  
Thao Vue