

# THE LONG GRAY WELCOME;

## A STUDY OF THE AMERICAN NATURALIZATION PROGRAM

By David S. North

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NALEO Education Fund

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# **THE LONG GRAY WELCOME;**

## **A STUDY OF THE AMERICAN NATURALIZATION PROGRAM**

**By David S. North**

*Written for*

**The National Association of Latino Elected and Appointed Officials**  
708 G Street, S.E., Washington, D.C. 20003

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## FORWARD

The National Association of Latino Elected and Appointed Officials (NALEO) is pleased to present David North's study of the naturalization function of the Immigration and Naturalization Service (INS). We at NALEO welcome this study, which is a first of its kind. Most previous analyses of the INS have focused on immigration. As a result, naturalization, the process through which 175,000-225,000 people are brought into citizenship yearly, has been largely overlooked. Mr. North's study fills this gap.

This administrative study is an integral component of NALEO's citizenship efforts. With support from the Ford Foundation, NALEO has undertaken a multi-year study of naturalization patterns within the Hispanic community. In addition to Mr. North's study, NALEO has compiled a national "yellow pages" of citizenship service providers, fostered the development of a national network of elected officials, academics and citizenship advocates interested in the subject, and has commissioned academic analyses of the social and economic factors leading Hispanics to make the decision to naturalize or not to do so.

Each of these varied activities has contributed to a clearer picture of the naturalization process. Mr. North's efforts are central to developing an understanding of this complex process. In order to become a citizen, a permanent resident alien must be processed through these INS procedures; in recent years, INS has not been able to keep up with the demand for naturalization. Administrative efficiencies and improvements can be made in the system, and these improvements, in turn, may well encourage more long-term resident aliens to apply for naturalization.

NALEO's efforts to study and promote citizenship among our legal residents will continue in the coming years. With the foundation laid by such studies as this one, we will be better able to understand the role of the Immigration and Naturalization Service in this vital national process.

Harry Pachon,  
Executive Director, NALEO

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## INTRODUCTION

Most written material on naturalization falls into two broad categories: legal tomes about the intricacies of the naturalization law, and sociological studies of the foreign-born who do, and who do not, become citizens. This report takes a different approach. It is a study of the process itself; how does the program work, who staffs it, how is it financed, and what happens to those who venture into it?

Very useful background information for this work can be found in the article on naturalization and citizenship, written by Reed Ueda, in the *Harvard Encyclopedia of American Ethnic Groups* and in NALEO's report "Statistical Literature on the Naturalization Process: A Summary and Review." The latter document summarizes a number of reports on the characteristics of those who have become naturalized. Useful, too, was the research we had done earlier, funded by the German Marshall Fund, on the naturalization programs of Australia and New Zealand.<sup>1</sup>

The principal research techniques used in the report were examinations of the naturalization law, the documents used in its implementation, the reporting systems of the Immigration and Naturalization Service (INS) and most important, a long series of interviews with INS staff members, immigration attorneys, naturalization applicants and other knowledgeable people in various American cities. These interviews, and a certain amount of quiet observation, took place in Los Angeles, Denver, Milwaukee, Chicago, Indianapolis, Miami, Washington, Baltimore and New York. The Canadian chapter is based on a review of Canadian documents and reporting systems, and conversations in Hull, Ottawa and Toronto.

A large number of people helped make this report possible. William Diaz and his colleagues at the Ford Foundation decided it was worth supporting, as did Harry Pachon, NALEO's energetic executive director who played a continuing role in the project, encouraging the work, asking good questions and making useful comments on the various drafts. Dr. Pachon's staff, including Louis DeSipio, Joan Anzalone and Nelle Sandridge, helped with the research and managed the ultimate production of the written document. Similarly, NALEO's careful editor, Kathryn Stafford, was invaluable. Meanwhile, in my TransCentury office, I received important help from my two consecutive research assistants, Leyla Vural and Laurel Wallis, and from my long-time associate Robin (Wagner) Loew, who produced the graphics.

Within INS, we were received warmly and given complete cooperation at all levels, from the lady who walked me through the intricate filing processes in the Miami district office to the Executive Associate Commissioner, Doris Meissner. Richard M. Miller, Deputy Assistant Commissioner for Naturalization, was particularly kind to us as were dozens of people, too numerous to mention, in the district offices. Several officials of immigrant-serving agencies gave us useful insights into the program as did Maurice Roberts, editor of *Interpreter Releases*, and several other immigration lawyers. Among those helping us in Canada were Catherine Lane, who runs the program in that country, and Roberta Russell, who possesses a title for which there is nothing comparable in the States, Chief of Promotion and Education of the naturalization program.

I am particularly grateful to several dozen people who will not see this report (in all likelihood) and who I will never see again; they were the applicants for citizenship in the U.S. and Canada who graciously permitted me to sit in on their interviews. Despite all this help, the author is ultimately responsible for the findings, the recommendations and the inevitable errors.

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<sup>1</sup>. David North, *Alien Legalization and Naturalization: What the United States Can Learn From Down Under*, New TransCentury Foundation, Washington, D.C., 1985.

## CHAPTER ONE

# THE NATURALIZATION PROCESS FROM THE APPLICANT'S POINT OF VIEW

Let us begin by following a typical citizenship applicant step-by-step through the naturalization process. We assume that the applicant is fully eligible for citizenship and is applying in a major American city in 1985; further, we assume that she (54% of new citizens are women) does not use the assistance of either a lawyer or a voluntary agency (as most applicants do not) and that she has only the most limited knowledge of the workings of the process.

Applicant X, however, knows that the process is handled by the Immigration and Naturalization Service (INS), knows the location of the nearest INS office, and senses that she probably will have to file some papers with INS. She has heard from friends that it is hard to reach INS on the phone (although things are improving) so she goes directly to the office.

The chances are that she will go to the office the first thing in the morning, or at lunch hour, or the day she chooses will be a Monday, a Friday or a payday. As a result, she finds a number of like-minded people in the office and has to wait longer than had she timed her visit for, say, 2:30 on a Thursday afternoon.

At the INS office, she finds (if she is in Los Angeles, for example) that she has to stand in one line to get a number. Then she stands in another line (suggested by the number-provider) for information on naturalization. She stands in yet a third line to secure an application (the N-400). Had she walked into the office with a little knowledge, she would have headed directly for the forms line, where it would take from a few minutes to more than an hour to secure the application.

The application package is a ponderous one — in comparison, it makes the shorter versions of the income tax form look positively friendly. The package consists of three items reproduced in part in Exhibits 1 through 3: a four-page application form (N-400) and the accompanying two-pages of instructions (Exhibit 1); a one-page biographical statement (G-325 shown in Exhibit 2), which asks many of the same questions as the N-400 (for good reasons not readily discernible; and a stiff cardboard fingerprint form (Exhibit 3).<sup>1</sup>

Applicant X takes the package home and works through the questions, some of which seem more pertinent than others. ("Do you believe in the Constitution and the form of government in the United States?" would appear to apply to more people than "Have you borne any hereditary title or have you been of any order of nobility in any foreign state?") She answers yes to the first and no to the second. There are 32 other questions, ranging from her address to her participation, or non-participation in prostitution.

Applicant X may live in one of those jurisdictions where the police will not take fingerprints for citizenship applications. She pays a storefront operation near the INS office to have it done, not knowing that fingerprinting is a service available free from INS in some, but not most offices.<sup>2</sup> Then she mails the application and begins a period of waiting.

Because she lives in an INS district where the naturalization process is computer-assisted, she receives, quite promptly, a computer-generated receipt for her application; in most places this is not the case. After a while, Applicant X finds a notice from INS in the mail box; the I-430A tells her

<sup>1</sup> A full set of original documents of this kind, both U.S. and foreign, can be seen in loose leaf notebooks filed with NALCO and with the INS Deputy Assistant Commissioner for Naturalization in the INS Central Office.

<sup>2</sup> For example, INS provides fingerprinting services in the Baltimore office but not in the New York, Miami or Los Angeles offices; a group of voluntary agencies provides these services in the new Washington area office, in Arlington, Va., for \$5.



# EXHIBIT 1

## The Naturalization Application Package (N-400)

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

OMB NO. 1115-0009  
Approval Expires 1/31/84

### APPLICATION TO FILE PETITION FOR NATURALIZATION

Mail or take to:  
IMMIGRATION AND NATURALIZATION SERVICE

FEE STAMP
-----------

(See INSTRUCTIONS. BE SURE YOU UNDERSTAND EACH QUESTION BEFORE YOU ANSWER IT. PLEASE PRINT OR TYPE.)

ALIEN REGISTRATION
(Show the exact spelling of your name as it appears on your alien registration receipt card, and the number of your card. If you did not register, so state.)
Name .....
No. ....

Section of Law .....  
(Leave Blank)

Date: .....

- (1) My full true and correct name is .....  
(Full true name without abbreviations)
- (2) I now live at .....  
(Number and street,)  
.....  
(City, county, state, zip code)
- (3) I was born on ..... in .....  
(Month) (Day) (Year) (City or town) (County, province, or state) (Country)
- (4) I request that my name be changed to .....
- (5) Other names I have used are: .....  
(Include maiden name)
- (6) Was your father or mother ever a United States citizen? .....  
Sex:  Male  Female  
.....  Yes  No  
(If "Yes", explain fully)
- (7) Can you read and write English? .....  Yes  No
- (8) Can you speak English? .....  Yes  No
- (9) Can you sign your name in English? .....  Yes  No
- (10) My lawful admission for permanent residence was on ..... under the name of .....  
(Month) (Day) (Year) at .....  
(City) (State)
- (11) (a) I have resided continuously in the United States since .....  
(Month) (Day) (Year) since .....  
(Month) (Day) (Year)
- (b) I have resided continuously in the State of ..... since .....  
(Month) (Day) (Year)
- (c) During the last five years I have been physically in the United States for a total of ..... months.
- (12) Do you intend to reside permanently in the United States?  Yes  No If "No," explain:
- (13) In what places in the United States have you lived during the last 5 years? List present address FIRST.

FROM -	TO -	STREET ADDRESS	CITY AND STATE
(a) .....	19.....	PRESENT TIME	
(b) .....	19.....		
(c) .....	19.....		
(d) .....	19.....		

(14) (a) Have you been out of the United States since your lawful admission as a permanent resident? .....  Yes  No  
If "Yes" fill in the following information for every absence of less than 6 months, no matter how short it was.

DATE DEPARTED	DATE RETURNED	NAME OF SHIP, OR OF AIRLINE, RAILROAD COMPANY, BUS COMPANY, OR OTHER MEANS USED TO RETURN TO THE UNITED STATES	PLACE OR PORT OF ENTRY THROUGH WHICH YOU RETURNED TO THE UNITED STATES

(b) Since your lawful admission, have you been out of the United States for a period of 6 months or longer? .....  Yes  No  
If "No", state "None"; If "Yes", fill in following information for every absence of more than 6 months.

DATE DEPARTED	DATE RETURNED	NAME OF SHIP OR OF AIRLINE, RAILROAD COMPANY, BUS COMPANY, OR OTHER MEANS USED TO RETURN TO THE UNITED STATES	PLACE OR PORT OF ENTRY THROUGH WHICH YOU RETURNED TO THE UNITED STATES

(15) The law provides that you may not be regarded as qualified for naturalization, if you knowingly committed certain offenses or crimes, even though you may not have been arrested. Have you ever, in or outside the United States:

- (a) knowingly committed any crime for which you have not been arrested?  Yes  No
- (b) been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating any law or ordinance, including traffic regulations?  Yes  No

If you answer "Yes" to (a) or (b), give the following information as to each incident.

WHEN	WHERE	(City)	(State)	(Country)	NATURE OF OFFENSE	OUTCOME OF CASE, IF ANY
(a)						
(b)						
(c)						
(d)						
(e)						

(16) List your present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society or similar group in the United States or in any other country or place, and your foreign military service. (If none, write "None.")

(a)						
(b)					19	to 19
(c)					19	to 19
(d)					19	to 19
(e)					19	to 19
(f)					19	to 19
(g)					19	to 19

- (17) (a) Are you now, or have you ever, in the United States or in any other place, been a member of, or in any other way connected or associated with the Communist Party? (If "Yes", attach full explanation)  Yes  No
- (b) Have you ever knowingly aided or supported the Communist Party directly, or indirectly through another organization, group or person? (If "Yes", attach full explanation)  Yes  No
- (c) Do you now or have you ever advocated, taught, believed in, or knowingly supported or furthered the interests of Communism? (If "Yes", attach full explanation)  Yes  No

(18) During the period March 23, 1933 to May 8, 1945, did you serve in, or were you in any affiliated with, either directly or indirectly, any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, citizen unit, unit of the Nazi Party or SS, government agency or office, extermination camp, concentration camp, prisoner of war camp, prison, labor camp, detention camp or transit camp, under the control of or affiliated with:

- (a) the Nazi Government of Germany  Yes  No
- (b) any Government in any area occupied by, allied with, or established with the assistance or cooperation of, the Nazi Government of Germany?  Yes  No

(19) During the period March 23, 1933 to May 8, 1945, did you ever order, incite, assist, or otherwise participate in the persecution of any person because of race, religion, national origin, or political opinion?  Yes  No

(20) Have you borne any hereditary title or have you been of any order of nobility in any foreign state?  Yes  No

(21) Have you ever been declared legally incompetent or have you ever been confined as a patient in a mental institution?  Yes  No

(22) Are deportation proceedings pending against you, or have you ever been deported or ordered deported, or have you ever applied for suspension of deportation?  Yes  No

(23) (a) My last Federal income tax return was filed \_\_\_\_\_ (year) Do you owe any Federal taxes?  Yes  No

(b) Since becoming a permanent resident of the United States, have you:

—filed an income tax return as a nonresident?  Yes  No

—failed to file an income tax return because you regarded yourself as a nonresident?  Yes  No

(If you answer "Yes" to (a) or (b) explain fully.)

(24) Have you ever claimed in writing, or in any other way, to be a United States citizen?  Yes  No

(25) (a) Have you ever deserted from the military, air, or naval forces of the United States?  Yes  No

(b) If male, have you ever left the United States to avoid being drafted into the Armed Forces of the United States?  Yes  No

(26) The law provides that you may not be regarded as qualified for naturalization, if, at any time during the period for which you are required to prove good moral character, you have been a habitual drunkard; advocated or practiced polygamy; have been a prostitute or procured anyone for prostitution; have knowingly and for gain helped any alien to enter the United States illegally; have been an illicit trafficker in narcotic drugs or marijuana; have received your income mostly from illegal gambling, or have given false testimony for the purpose of obtaining any benefit under this Act. Have you ever, anywhere, been such a person or committed any of these acts? (If you answer yes to any of these, attach full explanation.)  Yes  No

(27) Do you believe in the Constitution and form of government of the United States?  Yes  No

(28) Are you willing to take the full oath of allegiance to the United States? (See Instructions)  Yes  No

(29) If the law requires it, are you willing:

(a) to bear arms on behalf of the United States? (If "No", attach full explanation)  Yes  No

(b) to perform noncombatant services in the Armed Forces of the United States? (If "No", attach full explanation)  Yes  No

(c) to perform work of national importance under civilian direction? (If "No", attach full explanation)  Yes  No

(30) If male, did you ever register under United States Selective Service laws or draft laws?  Yes  No

If "Yes" give date \_\_\_\_\_; Selective Service No. \_\_\_\_\_; Local Board No. \_\_\_\_\_; Present classification \_\_\_\_\_

(b) Did you ever apply for exemption from military service because of alienage, conscientious objections, or other reasons?  Yes  No

If "Yes," explain fully.

(31) If serving or ever served in the Armed Forces of the United States, give branch.....  
 from....., 19..... to....., 19....., and from....., 19..... to....., 19.....  
 inducted or  enlisted at.....; Service No.....  
 type of discharge.....; rank at discharge.....  
 (Honorable, Dishonorable, etc.)  
 reason for discharge.....  
 Reserve or  National Guard from..... (alienage, conscientious objector, other)....., 19..... to.....

(32) My occupation is.....  
 List the names, addresses, and occupations (or types of business) of your employers during the last 5 years. (If none, write "None.")  
 List present employment FIRST.

FROM-	TO-	EMPLOYER'S NAME	ADDRESS	OCCUPATION OR TYPE OF BUSINESS
(a)....., 19.....	PRESENT TIME			
(b)....., 19.....	....., 19.....			
(c)....., 19.....	....., 19.....			
(d)....., 19.....	....., 19.....			

(33) Complete this block if you are or have been married.  
 I am..... (Separated, married, divorced, widowed) The first name of my husband or wife is (was).....  
 We were married on..... at..... He or she was born at.....  
 on..... He or she entered the United States at (place).....  
 on (date)..... for permanent residence and now resides  with me  
 apart from me at..... (Show full address if not living with you.)  
 He or she was naturalized on..... at.....; Certificate No.....  
 or became a citizen by..... His or her Alien Registration No. is.....

(34) How many times have you been married?..... How many times has your husband or wife been married?..... If either of you has been married more than once, fill in the following information for each previous marriage.

DATE MARRIED	DATE MARRIAGE ENDED	NAME OF PERSON TO WHOM MARRIED	SEX	(Check One) PERSON MARRIED WAS CITIZEN <input type="checkbox"/> ALIEN <input type="checkbox"/>	HOW MARRIAGE ENDED
(a).....				<input type="checkbox"/> <input type="checkbox"/>	
(b).....				<input type="checkbox"/> <input type="checkbox"/>	
(c).....				<input type="checkbox"/> <input type="checkbox"/>	
(d).....				<input type="checkbox"/> <input type="checkbox"/>	

(35) I have.....children: (Complete columns (a) to (h) as to each child. If child lives with you, state "with me" in column (h), otherwise give city and State of child's residence.)  
 (Number)

(a) Given Names	(b) Sex	(c) Place Born (Country)	(d) Date Born	(e) Date of Entry	(f) Port of Entry	(g) Alien Registration No.	(h) Now Living at-

(36) READ INSTRUCTION NO. 6 BEFORE ANSWERING QUESTION (36)  
 I..... want certificates of citizenship for those of my children who are in the U.S. and are under age 18 years that are named below.  
 (Do) (Do Not)  
 (Enclose \$35 for each child for whom you want certificates, otherwise, send no money with this application.)  
 (Write names of children under age 18 years and who are in the U.S. for whom you want certificates)  
 If present spouse is not the parent of the children named above, give parent's name, date and place of naturalization, and number of marriages.

<b>Signature of person preparing form, if other than applicant.</b>		<b>SIGNATURE OF APPLICANT</b>	
I declare that this document was prepared by me at the request of applicant and is based on all information of which I have any knowledge.		ADDRESS AT WHICH APPLICANT RECEIVES MAIL	
SIGNATURE		APPLICANT'S TELEPHONE NUMBER	
ADDRESS:	DATE:		

**TO APPLICANT: DO NOT FILL IN BLANKS BELOW THIS LINE.**

**NOTE CAREFULLY.**—This application must be sworn to before an officer of the Immigration and Naturalization Service at the time you appear before such officer for examination on this application.

**AFFIDAVIT**

I do swear that I know the contents of this application comprising pages 1 to 4, inclusive, and the supplemental forms thereto, No(s) \_\_\_\_\_, subscribed to by me; that the same are true to the best of my knowledge and belief; that corrections numbered ( ) to ( ) were made by me or at my request; and that this application was signed by me with my full, true, and correct name, **SO HELP ME GOD.**

Subscribed and sworn to before me by applicant at the preliminary investigation ( ) at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. I certify that before verification the above applicant stated in my presence that he/she had (heard) read the foregoing application, corrections therein and supplemental form(s) and understood the contents thereof.

\_\_\_\_\_  
(Complete and true signature of applicant) (Naturalization examiner)

\_\_\_\_\_  
(For demonstration of applicant's ability to write English)

Non Filed \_\_\_\_\_  
(Date, Reasons)

**NOTICE TO APPLICANTS:**

Authority for collection of the information requested on this form and those forms mentioned in the instructions thereto is continued in Sections 328, 329, 332, 334, 335 or 341 of the Immigration and Nationality Act of 1952 (8 U.S.C. 1439, 1440, 1443, 1445, 1446 or 1452). Submission of the information is voluntary inasmuch as the immigration and nationality laws of the United States do not require an alien to apply for naturalization. If your Social Security number is omitted from a form, no right, benefit or privilege will be denied for your failure to provide such number. However, as military records are indexed by such numbers, verification of your military service, if required to establish eligibility for naturalization, may prove difficult. The principal purposes for soliciting the information are to enable designated officers of the Immigration and Naturalization Service to determine the admissibility of a petitioner for naturalization and to make appropriate recommendations to the naturalization courts. All or any part of the information solicited may, as a matter of routine use, be disclosed to a court exercising naturalization jurisdiction and to other federal, state, local or foreign law enforcement or regulatory agencies, Department of Defense, including any component thereof, the Selective Service System, the Department of State, the Department of the Treasury, Central Intelligence Agency, Interpol and individuals and organizations in the processing of the application or petition for naturalization, or during the course of investigation to elicit further information required by the Immigration and Naturalization Service to carry out its function. Information solicited which indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature may be referred, as routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating, enforcing or prosecuting such violations. Failure to provide any or all of the solicited information may result in an adverse recommendation to the court as to an alien's eligibility for naturalization and denial by the court of a petition for naturalization.

**EXHIBIT 2**  
**The Naturalization Application Package (G-325)**

U.S. Department of Justice  
 Immigration and Naturalization Service

**BIOGRAPHIC INFORMATION**

OMB No. 1115-0066  
 Approval expires 4-30-85

(Family name)		(First name)	(Middle name)	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	BIRTHDATE(Mo.-Day-Yr.)	NATIONALITY	FILE NUMBER
ALL OTHER NAMES USED (Including names by previous marriages)				CITY AND COUNTRY OF BIRTH		A SOCIAL SECURITY NO. (If any)	
FATHER		MOTHER(Maiden name)		HUSBAND(If none, so state) OR WIFE		FORMER HUSBANDS OR WIVES(If none, so state)	
FAMILY NAME		FIRST NAME	DATE, CITY AND COUNTRY OF BIRTH(If known)	CITY AND COUNTRY OF RESIDENCE.			
FAMILY NAME (For wife, give maiden name)		FIRST NAME	BIRTHDATE	CITY & COUNTRY OF BIRTH	DATE OF MARRIAGE	PLACE OF MARRIAGE	
FAMILY NAME (For wife, give maiden name)		FIRST NAME	BIRTHDATE	DATE & PLACE OF MARRIAGE	DATE AND PLACE OF TERMINATION OF MARRIAGE		
APPLICANT'S RESIDENCE LAST FIVE YEARS. LIST PRESENT ADDRESS FIRST.							
STREET AND NUMBER				CITY	PROVINCE OR STATE	COUNTRY	FROM MONTH YEAR TO MONTH YEAR PRESENT TIME
APPLICANT'S LAST ADDRESS OUTSIDE THE UNITED STATES OF MORE THAN ONE YEAR							
STREET AND NUMBER				CITY	PROVINCE OR STATE	COUNTRY	FROM MONTH YEAR TO MONTH YEAR
APPLICANT'S EMPLOYMENT LAST FIVE YEARS. (IF NONE, SO STATE.) LIST PRESENT EMPLOYMENT FIRST							
FULL NAME AND ADDRESS OF EMPLOYER				OCCUPATION(SPECIFY)		FROM MONTH YEAR	TO MONTH YEAR PRESENT TIME
Show below last occupation abroad if not shown above. (Include all information requested above.)							
THIS FORM IS SUBMITTED IN CONNECTION WITH APPLICATION FOR:				SIGNATURE OF APPLICANT			
<input type="checkbox"/> NATURALIZATION <input type="checkbox"/> OTHER (SPECIFY):				DATE			
<input type="checkbox"/> STATUS AS PERMANENT RESIDENT							
Are all copies legible? <input type="checkbox"/> Yes				IF YOUR NATIVE ALPHABET IS IN OTHER THAN ROMAN LETTERS, WRITE YOUR NAME IN YOUR NATIVE ALPHABET IN THIS SPACE:			

PENALTIES: SEVERE PENALTIES ARE PROVIDED BY LAW FOR KNOWINGLY AND WILLFULLY FALSIFYING OR CONCEALING A MATERIAL FACT.

**APPLICANT: BE SURE TO PUT YOUR NAME AND ALIEN REGISTRATION NUMBER IN THE BOX OUTLINED BY HEAVY BORDER BELOW.**

COMPLETE THIS BOX (Family name)	(Given name)	(Middle name)	(Alien registration number)

### EXHIBIT 3

### The Naturalization Application Package (Fingerprint Form)

<b>APPLICANT</b>	LEAVE BLANK	TYPE OR PRINT ALL INFORMATION IN BLACK						ZP	LEAVE BLANK
		LAST NAME <u>NAM</u>	FIRST NAME	MIDDLE NAME					
SIGNATURE OF PERSON FINGERPRINTED		ALIASES <u>AKA</u>	O R I	<u>DCINSUF00</u>			DATE OF BIRTH <u>DOB</u> Month Day Year		
RESIDENCE OF PERSON FINGERPRINTED				<u>USINS</u> <u>WASH DC</u>					
DATE	SIGNATURE OF OFFICIAL TAKING FINGERPRINTS	CITIZENSHIP <u>CIZ</u>	SEX	RACE	HGT.	WGT.	EYES	HAIR	PLACE OF BIRTH <u>POB</u>
EMPLOYER AND ADDRESS		YOUR NO. <u>OCA</u>	LEAVE BLANK						
REASON FINGERPRINTED		FBI NO. <u>FBI</u>	CLASS _____ REF. _____						
		ARMED FORCES NO. <u>MNU</u>							
		SOCIAL SECURITY NO. <u>SOC</u>							
		MISCELLANEOUS NO. <u>MNU</u>							

1. R. THUMB	2. R. INDEX	3. R. MIDDLE	4. R. RING	5. R. LITTLE
6. L. THUMB	7. L. INDEX	8. L. MIDDLE	9. L. RING	10. L. LITTLE

LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY	L. THUMB	R. THUMB	RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY
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to come to INS for her preliminary examination. (The I-430A does not alarm this applicant, but others, with a little less knowledge of English and a little greater fear of INS, have been known to surry to voluntary agencies or lawyers worrying about the nature of the summons.) The form, also computer-generated, is not a model of the printers' art. (See Exhibit 4). The comparable form used in the non-computerized offices is much easier to read and to understand. (See Exhibit 5).

On the appointed day, Applicant X arrives at the INS office and reports to a different waiting room from the one where she received the application package. The waiting room is bleaker than the other one and offers no reading material; all the signs are in English and all carry negative messages.<sup>3</sup> (For a sample see Exhibit 6). There are no posters of Niagara Falls, the Maine Coast, Mount Vernon, Old Faithful, or of the Statue of Liberty. She gives her name to the clerk and is told to wait until it is called. She sits. The room is crowded but quiet except for the inevitable unhappy baby. Many of the people around her are worried about the impending examination.

If the applicant's name is English or Spanish, or if she belongs to a major ethnic group in the city, her name probably will be pronounced correctly. A Finn or an Ethiopian in El Paso, however, may not be so lucky, and may hear her name spelled out.

The person calling Applicant X is the examiner who will interview her. The applicant is then shepherded down a hall and into a small office or a semi-private cubicle which often does not have a window. Before anyone sits down, the examiner asks the applicant to raise her right hand and swear that what she is about to say is the truth; the examiner helpfully lifts her own right hand as a clue, and Applicant X so swears. (Many of the examiners are women.) Unknown to the applicant she has already hurdled the first obstacle — applicants who do not understand the request to hold up their right hand and swear they will tell the truth often have trouble with the English language requirement. Those aliens who have been in the country for more than 20 years, and who are more than 50 years of age can ask that the language requirement be waived.

The personality and the mood of the examiner are important variables. Most of them appear to be patient, reasonable, and not overly-demanding; many are quite sympathetic to the often nervous applicants. But there are exceptions.

There are three parts of the interview but for the applicant these distinctions are blurred. First, the examiner checks through the application to make sure that Applicant X still lives where she did when she filed the form and that she understands and confirms under oath some of the more important questions regarding, for example, her police record or lack thereof, her family status, and her willingness to fight for the United States if need be. (This question is asked of both men and women; conscientious objectors may become citizens but the process is a little more complicated.) Applicant X is also asked if she received a refund on her income tax; if not, when did she, in fact, last file a return?

Throughout this review of the application the examiner is also checking on Applicant X's ability to speak and understand English (although this is not so stated). The applicant is then asked to write, on the application, a sentence dictated by the examiner. Usually it is fairly simple: "The American flag is red, white, and blue," or "Today is a nice day." Demanding examiners have been known to dictate much more complicated and much longer passages; sympathetic ones will hand the applicant a pad of paper to practice writing the sentence before copying it on the application.

Applicant X has no trouble with the sentence and is then asked about the government of the United States. "How many states are there?" "Who was the first president?" "What do we celebrate on the Fourth of July?" "What country did we rebel against?" "Who is the governor of this state?" "Who are the United States senators?" Applicant X stumbles twice, over the name of one of the senators and over the somewhat theoretical question: "What are the three major parts of the United States

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<sup>3</sup>. In New York, though, "No Smoking" is written in five languages.

**EXHIBIT 4**

**Computer-Generated Letter Regarding Preliminary Hearing (N-430A)**

OMB # 1115-0084  
Expires 3/31/84

**Notice of Preliminary Naturalization Hearing**

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

**Naturalization and Citizenship Branch**

**File or A #**

**Date**

You are hereby notified to appear for a hearing on your (your child's) application for naturalization at the **DATE, TIME, AND PLACE**, shown below.

Date

Time

Place

You **MUST BRING** the following with you:

- This letter, with the Personal Description Form on the **REVERSE SIDE COMPLETELY FILLED IN**.
- Alien Registration Receipt Card.
- Any evidence of Selective Service Registration.
- Any documents you have which you used in connection with any entries into the United States.
- Those items noted on the reverse side of this letter which are applicable to you.
- Filing Fee.

Please **KEEP** this **APPOINTMENT** even if you do not have all the items noted above or those on the back. However, you **MUST** bring the Filing Fee.

**IMPORTANT — PLEASE SEE REVERSE**



## EXHIBIT 5

### Manually-Produced Letter Regarding Preliminary Hearing (N-430)

U.S. Department of Justice  
Immigration and Naturalization Service

Request That Applicant For Naturalization  
Appear For Interview

OMB NO. 1115-0064  
Approval Expires 4-85

Alien Registration No.
Petition No.

Date

Your application has been received and arrangements have been made to help you in the next step toward naturalization.

Please come to:	on (date)
	at (time)

*The proceeding will take about two hours. If for any reason you cannot keep this appointment, return this letter immediately with your explanation and a request for a new appointment; otherwise, no further action will be taken on your application.*

If you are applying for citizenship for yourself, you will be tested on your knowledge of the government of the United States and its history. You will also be tested on reading, writing, and speaking English, unless on the day of your appointment, you have been living in the United States for a total of at least 20 years as a lawful permanent resident and are over 50 years old, or unless you are physically unable to read, write, or speak.

**YOU MUST BRING WITH YOU:**

1. This letter
2. \$50 filing fee (cash or a money order made payable to "Clerk of Court")
3. Alien Registration Receipt Card
4. Any draft cards
5. Your passports and/or any other documents you have which you used in connection with any entries in the United States
6. The Personal Description Form on the back, *completely filled in*
7. Those items checked on the back side of this letter

**PLEASE KEEP THIS APPOINTMENT EVEN IF YOU DO NOT HAVE ALL THE ITEMS NUMBERED ABOVE OR THOSE CHECKED BELOW AND ON THE BACK. HOWEVER, YOU MUST BRING THE \$50 FILING FEE.**

**YOU MUST ALSO BRING WITH YOU WHAT IS CHECKED  BELOW:**

- Enclosed form(s) properly and completely filled out.
- Your marriage certificate.
- Proof of death or divorce for each prior marriage of yourself or spouse.
- Your birth certificate.
- Your spouse's birth or naturalization certificate or certificate for citizenship.
- The child (children) for whom you filed application for naturalization.
- Birth certificate(s) for the child (children).
- Adoption decree(s), and a summary translation(s) in English if in a foreign language. A summary translation is a condensation or abstract of the text.

**EXHIBIT 6**

A Collection of Signs Seen in a Naturalization Waiting Room

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**NO SMOKING**

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**Authorized Personnel Only  
In This Hallway**

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**Walk-in Inquiries**

Due to increased backlog of pending cases, only applications for naturalization acknowledged by INS 15 months ago and only petitions filed more than one year ago will be served.

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**No Change Is Given Here  
Exact Change Only Please**

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Only those with numbers will be seen by the Walk-in Officer  
Please remain seated until your number is called

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**Please Keep This Area Clear**

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**CAUTION THIS DOOR OPENS OUTWARD**

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**EXHIBIT 7**  
**Letter Regarding Citizenship Ceremony**

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U.S. Department of Justice  
Immigration and Naturalization Service

**Notice of Final  
Naturalization Hearing**

OMB No. 1175-0052  
Approval Expires 9-30-84

Petition No. \_\_\_\_\_

AR# \_\_\_\_\_

Date \_\_\_\_\_

You are hereby notified to appear for a hearing on your petition for naturalization before a judge of the naturalization court on \_\_\_\_\_  
at \_\_\_\_\_

Please report promptly at \_\_\_\_\_ M.

If the judge finds you qualified for naturalization, you will be sworn in as a citizen.

**YOU MUST BRING WITH YOU THE ITEMS MARKED  BELOW:**

- This letter, WITH ALL OF THE QUESTIONS ON THE OTHER SIDE ANSWERED IN INK OR ON A TYPEWRITER.
- Alien Registration Receipt Card.
- Reentry Permit, or Refugee Travel Document.
- Any Immigration documents you may have.
- Your child (children): \_\_\_\_\_
- Other

Proper attire should be worn in court.

If you cannot come to this hearing, return this notice immediately and state why you cannot appear. In such case, you will be sent another notice of hearing at a later date.

Form N-445  
(Rev. 4-15-82)N

(SEE OTHER SIDE)

Government?" (The executive, the legislative and the judicial, three phrases not on everyone's lips.)

Applicant X has passed the examination but, like many others who pass, she is not told explicitly that this is the case. (Had she failed that would have been made very clear to her.) After the last government question, she is asked to sign the application form, is told she will receive a notice in the mail about the final hearing, and is told where and how she is to pay the \$50 fee. In the examiner's subconscious the request for the signature, the directions for paying the fee, and the discussion of the final hearing are all confirmations that the alien has passed, but Applicant X has missed these signals, and has to ask how she did.

After paying the fee Applicant X goes home and waits some more. Another form letter appears — a few weeks to many months later — telling her to come to a court, bringing the letter and a series of immigration-related government forms. (See Exhibit 7).

The court room is much the most splendid government facility that Applicant X has seen in this process. The ceilings are high, the walls are paneled with wood, and former judges' portraits look down upon the scene. The prospect is a gracious and impressive one; virtually everyone is dressed up and is in a good mood. An INS officer tells the applicants what is about to happen to them, a bailiff enters and tells all to rise, and the judge appears. The INS officer formally requests that the judge approve the naturalization applications of the applicants, the judge agrees to do so, and makes a little speech of welcome. Then the oath of allegiance is administered. The judge then withdraws, and the Daughters of the American Revolution and/or some local elected official add their congratulations and talk about the meaning of America.

At the very end of the ceremony, Applicant X lines up for the last time. The DAR hands out little flags, and the INS representative asks her to sign her name to a receipt as he gives her a typewriter page-sized certification of naturalization and takes from her the green card acquired many years earlier. (The latter is an unexplained, but sensible act on the part of the government.) She is no longer an alien or an applicant. She is, finally, a citizen.

This process, that of applying for citizenship, was carried through to a successful conclusion about one quarter of a million times during FY '85.

## CHAPTER TWO

# BACKGROUND

Prior to describing the operations of the naturalization process, it is useful to review the objectives of the program, the legal requirements for naturalization, the benefits it bestows, and the rising and falling flows of immigrants that, in part, cause the program to expand and contract.

**A. Program Objective.** The objective of the Immigration and Naturalization Service in this field is to permit aliens who are qualified to become U.S. citizens. The posture is essentially a neutral one. Qualified aliens who apply are granted citizenship; those who are not qualified do not receive it. No direct efforts are made to promote citizenship although some indirect ones are made. While relatively few applicants are formally denied citizenship (a subject covered subsequently), all applications are reviewed to make sure that the individual is legally qualified. The program is, thus, a large-scale adjudication system.

**B. Legal Requirements.** There are three ways to acquire U.S. citizenship: by birth, by naturalization, or by derivation. Each year the United States acquires more than 3 million new citizens, about 95% by birth, about 4.5% by naturalization and less than half of 1% by derivation.

All babies born in the United States are automatically citizens unless they are born to diplomats. This is a welcoming part of the American system that is not the norm among the world's nations — not even among the world's democracies. A child born to Turkish parents in West Germany, for example, is not a German citizen, even though the parents are in the country legally.

Although INS plays no role in the citizenship-by-birth process, it is the only agency handling naturalization. Citizenship by derivation, usually birth abroad to one or two U.S. parents, is handled, under some circumstances by INS and in others by the State Department. Given the small numbers involved it is a process outside the scope of this study.

There are five basic sets of legal requirements for naturalization (plus the usual complications and exceptions):

- permanent resident alien status
- years of residence
- knowledge of English
- knowledge of U.S. government
- good character

Only aliens who have been admitted to the nation in legal status, i.e., as green-card-holding permanent resident aliens, are eligible for citizenship.

The usual residence requirement (in permanent resident alien status) is five years. A major exception is that spouses of U.S. citizens need only three years of residence (while married to the citizen). The residence requirements can be substantially reduced for small classes of persons serving the United States overseas, as well as for their spouses.

Applicants must be able to demonstrate an ability to speak, read, write, and understand English. They need not be fluent, however, they have to be able to handle a simple conversation. Those who can not write or speak because of a physical handicap are excused from those provisions. Applicants who are more than 50 years of age and have lived in the U.S. for more than 20 years are not covered by the language requirement.

All applicants, whether they are examined in English or their mother tongue, must show a basic understanding of the U.S. government, its constitution and its history.

The good character requirement is essentially a negative one: the applicant must not have committed, or at least not recently, a series of forbidden acts. Much of the space in the basic application form (the N-400) deals with questions about criminal acts, participation in Nazi activities during

World War II, and past membership in the Communist Party. In recent years, INS has managed to soften its interpretation of some of these strictures; it no longer presses questions about adultery, and it has devised escape-hatches for refugees from Eastern Europe, for instance, who had been forced to join Communist Party organizations.

The statutory requirements for naturalization are set forth in sections 310 to 357 of the Immigration and Nationality Act (INA hereafter). The law on naturalization has changed relatively little in recent years. (The five years of residency, for example, has not changed since Thomas Jefferson's first year in office, 1801.) In 1977, a requirement for two witnesses to the applicant's good character was dropped; the 50-years-of-age, 20-years-of-residence exception to the language requirement was introduced in 1979 with the support of the Cuban community. The statutory stability of the naturalization program places it in sharp contrast to the often-changing immigration law and the even more volatile Internal Revenue Code.

Although the naturalization provisions of the INA have changed little in recent years, they are extremely detailed and contain many sections that are rarely invoked. The text of the naturalization provisions runs for 36 pages of small type and contains about 21,000 words. Many of its provisions reflect good public policy but in narrow situations, now slipping into history:

- Section 324 rectifies a racist, sexist law written earlier in this Century that deprived native-born female U.S. citizens of their citizenship if they married aliens of Asian descent.
- Section 330 equates service aboard certain merchant vessels during World War II with residence in the U.S. for naturalization purposes.

While the sections noted above are harmless, if *passee* (they have not been used in years), other sections of the INA should be repealed. Section 333, to pick a minor-league problem, mandates that each applicant for citizenship must provide *three* photographs. It then goes on to specify that one photo will be used to illustrate the original certificate of naturalization (the one given to the new citizen) and that the second photo will be affixed to the duplicate certificate (which stays in the government's files.) The law is silent on the disposition of the third photo, which, in fact, stays, with the duplicate certificate, in the file. (Most comparable systems — for U.S. passports, and for the two INS-issued passport-type documents, the Re-entry Permit (for immigrants) and the Refugee Travel Document — require only two photos.)

A quick consumer survey of passport studios in the Washington area disclosed that three naturalization photos would cost, on average, \$3 more than two photos. So, this bit of overly precise legislation costs the new citizens (assuming a quarter of a million new certificates a year) a needless \$750,000 each year.

Similarly, another provision of the law<sup>1</sup> prohibits the photocopying of naturalization certificates, even though green cards, passports, and other documents may be copied; this unnecessarily limits the utility of the certificate to those who hold it — the document itself is too large to be handy as an identification document.

The relatively passive approach of INS to the naturalization process is the result of long-standing administrative interpretations of the INA. Section 332 (b) of the INA states: "The Attorney General is authorized to promote instruction and training in citizenship responsibilities of applicants for naturalization . . ." Section 346 goes a step further: "Authorization is hereby granted for the publication and distribution of the citizenship textbook described in subsection (b) of section 332 and for the *reimbursement* of the appropriation of the Department of Justice upon the records of the Treasury Department from the naturalizaion fees deposited." (Emphasis added.)

The authorization of a reimbursable activity is exceptional because it removes it from the

<sup>1</sup>. USC 69 Section 1426 (h).

normal budget and appropriation process. Whereas naturalization fees, generally, are turned over to the Treasury's General Fund, INS has the opportunity to tap into those funds for citizenship textbooks without seeking moneys from an appropriations committee. INS has made only limited use of this provision, to buy some \$100,000-\$200,000 worth of textbooks used in citizenship classes conducted by educational institutions. INS does not use this source of funds to buy textbooks for direct distribution to would-be citizens.

**C. The Benefits of Naturalization.** Why should an alien go through the sometimes tedious, nervous-making process described earlier? Each applicant, of course, has his or her own set of motivations, but the following elements are often among the reasons for applying:

- The greater rights that citizens (as opposed to permanent resident aliens) possess regarding securing immigration visas for their relatives
- The right to vote
- A broader range of employment rights
- The right to hold elective office
- The sense of identification with the nation
- A cluster of lesser reasons (e.g. ability to travel on a U.S. passport, ability to own an airplane in one's own name, etc.)

Some of these advantages are more obvious than others. As for the immigration benefits, the U.S. policy places a strong emphasis on family reunification (to the point that would-be immigrants without family connections in the U.S. or very special job skills simply can not immigrate to America). Further, the law makes a major distinction between the rights of citizens and those of permanent resident aliens to secure visas for their relatives. Citizens can secure immigrant visas for their spouses, unmarried children, and parents immediately without regard to numerical limits. It takes aliens longer to secure visas for spouses and children. Additionally, citizens can petition for certain classes of relatives (siblings directly and nieces and nephews indirectly) that are beyond the reach of resident aliens. Finally, there are instances in which the deportation of an illegal alien may be halted on the grounds that a near relative has been granted U.S. citizen status.

The employment rights of citizens are much broader than those of aliens. Only citizens may fill most federal jobs; and some jobs in state and local government are restricted to citizens. Many defense employers (a major factor in Southern California) demand citizenship of their employees.

Some of the more obscure benefits of citizenship are of interest only to a minority of aliens. The protection of a U.S. passport can be reassuring to those travelling in the more troubled parts of the world. The fact that U.S. citizenship is only very rarely revoked means that a naturalized citizen living in Hong Kong, for example, can be assured of admission to the U.S. at any time, should life become less attractive in that city. At the extreme end of the spectrum are cases such as that of Rupert Murdoch who needed naturalization so that he could control, in his own name, his newly-purchased television stations.<sup>2</sup>

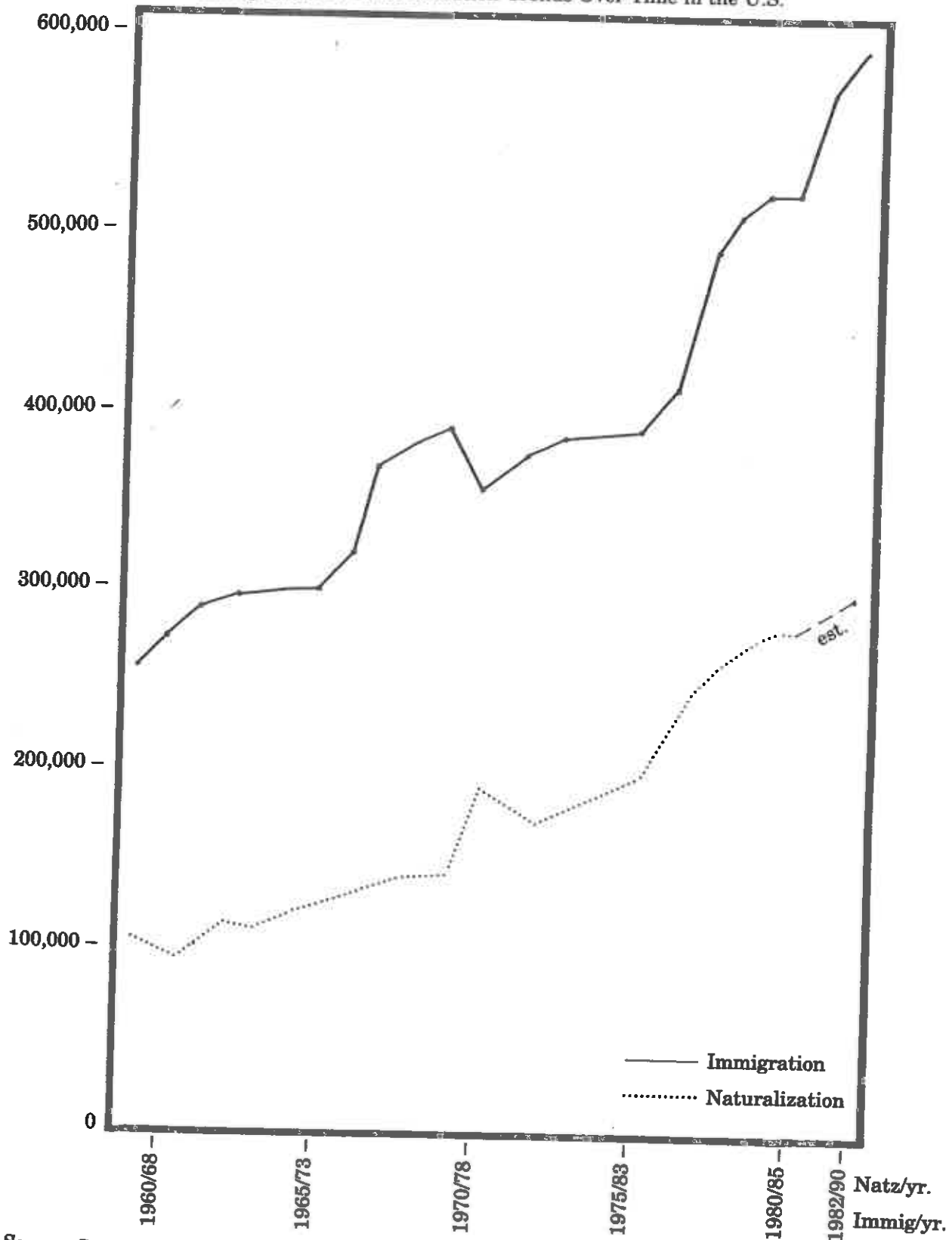
**D. Flows of Immigrants.** While the benefits of and the requirements for citizenship have not changed much over the years, the number of immigrants arriving in the country does vary from time to time, and this has a lagged impact on the demand for naturalization. Typically, as described later in more detail, this lag is not the five statutory years, but more like seven or eight years. Thus, one of the important variables in the naturalization business in the mid 1980's is the rise in immigration

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<sup>2</sup>. For more on the differential rights of aliens and U.S. citizens see David Carliner, "The Rights of Aliens," Avon Books, New York, second printing, 1979.

### EXHIBIT 8

Immigration and Naturalization Trends Over Time in the U.S.



Source: *Statistical Yearbook of the Immigration and Naturalization Service, 1983*  
Tables IMM 1.1 and NAT 1.1.



in the late 1970s.<sup>3</sup>

Exhibit 8 shows the number of immigrant admissions (including adjustments) and the number of naturalizations recorded by INS in the years since 1960. The surge of immigrants in the late 1970s already is being mirrored in the increased naturalizations in fiscal years 1984 and 1985. The next few years will probably find the naturalization system under even more pressure from the large cohorts of immigrants arriving around 1980. Our projection of the trend of naturalizations shown in Exhibit 8 suggests that the number of awards of citizenship will be running at the level of more than 300,000 a year by the start of the 1990s.

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<sup>3</sup> The crucial date is not necessarily the date that the alien first arrived in the United States, it is the date on which the alien became a permanent resident alien. It is from this date that the five, or three years residence begins. A resident of Lesotho, arriving in student status in 1976 and converting to resident alien status in 1980 starts his residency period in 1980. However, an Indochinese refugee arriving in the U.S. in 1978, as a refugee, can use that date for residency purposes if he subsequently applied for adjustment of status to that of permanent resident alien. Refugees, unlike students, can adjust their status retroactively to the date of arrival.

## CHAPTER THREE

# ADMINISTERING THE NATURALIZATION PROGRAM

This chapter covers five related topics: the administrative structures in the program, the administrative process as seen through the eyes of INS, the examination of the individual applicant, the citizenship ceremony, and financial considerations. How processes work is the subject of this chapter. The results — naturalizations sought and secured — is described in the following chapter.

### A. Administrative Structures.

**INS and the Courts.** The naturalization program is handled through an unusual governmental system in which two quite different institutions must work together on a day-to-day basis. Doing most of the work are the civil servants within the hierarchy of the Immigration and Naturalization Service, an arm of the Executive Branch and, more specifically, the U.S. Department of Justice. Playing a prominent visual role in the process and having, but rarely using, absolute authority over individual citizenship determinations, are a collection of totally independent judges, mostly federal ones, but there are state judges as well. The bifurcated system has created, in some places, substantial delays, and in a few, major tensions.

The role of INS is to receive the application for citizenship, match it with the alien's basic INS file, check the application for completeness and interview the applicant to see if the alien meets the citizenship requirements. If the applicant appears to INS to be eligible, the agency prepares a petition (N-405) to the relevant court recommending the approval. Sometimes, INS recommends a denial. The role of the courts is to review these recommendations (usually a formality),<sup>1</sup> receive the \$50 fees, prepare the naturalization certificates<sup>2</sup> and then to conduct the ceremony in which citizenship is formally granted to the applicants. The courts also decide a small minority of cases in which INS has recommended a denial. As described later, the handling of the ceremonies, a matter of logistics and taste, is more likely to create court-INS difficulties than specific legal matters.

Whereas most of the courts handling naturalization ceremonies are U.S. district courts, state courts play roles as well, doing just what the federal courts do. Usually the state courts are utilized where they are geographically convenient. For example, in Maryland the U.S. district court sits only in Baltimore. In order to have ceremonies in the western part of the state, arrangements have been made with a Maryland state court sitting in Rockville. Similar arrangements have been made with the state courts in the counties surrounding Los Angeles.

Naturalization has not always been the responsibility of INS. Once upon a time, there was a Bureau of Naturalization, a separate agency within the Department of Labor, headed by a Commissioner of Naturalization, a presidential appointee. In 1933, shortly after Frances Perkins became Secretary of Labor, the Bureau of Naturalization was merged with the Bureau of Immigration and, subsequently, the person in charge of citizenship was an Assistant Commissioner of INS (who held a supergrade position in more recent years.) Since 1983, the ranking position has been that of Deputy Assistant Commissioner, a GS-15; the incumbent reports through two layers (an Assistant Commissioner and an Associate Commissioner) to the Commissioner of INS, the first person in the chain of command with a presidential appointment. This sequence of titles would seem to suggest a de-emphasis of the program — and perhaps it does — however, as we show later both the volume of applications and the resources available to handle them have increased in recent years.

<sup>1</sup>. The courts occasionally disagree with each other; the ones in Texas have been known to refuse to grant citizenship to acknowledged homosexuals, but the ones in California will, in comparable cases, grant citizenship.

<sup>2</sup>. In some areas, such as Los Angeles, the courts have ordered INS to prepare the certificates.

**The Staff.** Just as the title of the ranking citizenship person has changed over the years, so has the GS grade of those examining the applicants. Until early in 1983, the examination had been a task for attorneys (and the journeyman grade had been GS-14). In that year, the Department of Justice noticed that it was using expensive lawyers for a task that could be performed by less-expensive non-lawyers. The Department decided, apparently largely for financial reasons, to give the task to immigration examiners, non-lawyers with a journeyman grade of GS-11. Most of the lawyers left the program, either to take General Attorney positions elsewhere in INS or to go into the private practice of immigration and naturalization law. A handful took demotions to stay in the program.

While it is probably appropriate to staff the naturalization program with non-lawyers, the effect of the 1983 decision was to divest INS, almost totally, of its institutional memory in this field. At a time of increasing demand for naturalization, the agency lost virtually all the professionals who knew anything about the program.

The officers currently working in the program are not, however, new to either the INS or the INA. They are career civil servants in a job classification (immigration examiner) covering all the many kinds of adjudications done by INS. If they have done non-naturalization work within INS, as most of them have, it has provided them with useful background on the immigration law. Most of this background, however, has been in enforcement activities; many of the immigration examiners have served previously as immigration inspectors, at the ports of entry, as investigators or as patrol agents; others have come up through the ranks after work as clerks or paralegals. There is no direct recruiting of non-INS staff for positions as naturalization examiners (as there had been when the job required a law degree) and one must spend several years doing something else in INS before one is promoted to the position of immigration examiner.

Meanwhile, in an effort to reduce backlogs, several of the larger district offices have used short-term task forces of other INS personnel to assist the naturalization function. In addition to assigning other adjudicators to citizenship applications, INS has recruited some of its more senior clerks to handle some of the citizenship examinations.

**Decentralization.** The naturalization program is a decentralized one. While there is overall direction of the program from INS headquarters in Washington, each of the 34 district offices approaches the program in different ways. Some of these differences relate to tradition, to the differing viewpoints of the district directors, and much to the different workload levels. Other differences relate to the three levels of computerization currently available in the district offices: none, some and lots. This administrative decentralization is minimal, however, when compared to the judicial decentralization. No attempt is made by any central body to discuss how the judges should handle their part of the process.

The naturalization program is, thus, saddled with some major administrative burdens. The program is divided between two different kinds of government entities; it has been facing an increasing workload at the same time that it experienced a near-100% turnover in its professional ranks; and, simultaneously, a new computerized system was introduced in several of its offices. It has been an interesting period.

## **B. Administering the Program: The View of INS**

**The Basic Pattern.** Although INS staff members answer questions about the naturalization process and hand out application forms, in the eyes of INS the process really begins when someone files an application. This can be done in person at an INS office, or it can be done through the mail. More precisely, naturalization applications are handled in the INS district and subdistrict offices; ports of entry, Border Patrol stations, and detention centers are not involved. The basic application is the N-400 (see Exhibit 1) and accompanying documents. Another form, the N-402 is used less frequently; it is filed on behalf of minors when the parents are not filing simultaneously (for example,

U.S. citizen parents seeking naturalization for an adopted alien child).<sup>3</sup>

Once the form arrives in the Naturalization unit, a clerk scans it for completeness. A fairly typical problem is the lack of the applicant's alien number (A-number); without this number it is difficult to locate the alien's file in INS' massive filing system. Sometimes the clerk can secure the A-number from the INS computer. If that is the only problem, the application moves ahead. If the A-number cannot be found, if other elements are missing (such as three suitable photographs) or if the alien is clearly not eligible (having lived in the country for too short a time, for example), the clerk mails the application back to the applicant. This action is called a Return.

If the application appears to be complete, the process of "striping" takes place. The G-325 is removed and it, together with the fingerprint form, is sent off to the FBI to determine if there is a police record on the individual.<sup>4</sup> Then, an effort is made to link the new application with the alien's old file (the A-file). The paper files of INS are decentralized; the theory is that they should be located in the city where the alien resides. Often, the file can be found in the same office where the alien filed the N-400, but many times that is not the case. The alien may have moved from another INS district; the file may have been inactive so long that it has been retired to a federal records center<sup>5</sup>; or the file may simply have been misplaced — a frequent problem. Typically, an INS office will delay acting on the application until the file appears. After a period of time, however, INS will set up a working file and will handle the application on that basis.

INS routinely waits 40 days for a response from the FBI. Typically nothing happens; i.e. there is no response. This is interpreted as indicating that there is no "rap sheet" or criminal record on the individual and the application moves ahead.

In about 5% of the cases there is some police record, usually of no consequence or something already reported by the applicant; in only about 1% of the applications are the FBI records such that it complicates the application or causes a denial. FBI reports arriving at any time prior to the citizenship ceremony can cause the applicant's case to be delayed. If the FBI reports something serious after the ceremony usually nothing is done to revoke the individual's citizenship. Although the Justice Department has the opportunity to start denaturalization proceedings, these have been done only very rarely in recent years, usually in cases of naturalized Nazi war criminals.

Assuming that the file can be found and that no significant police record exists, the applications are then prepared for routine examinations (described in more detail in the next section of this report.) In a form letter, either manually addressed or processed through the computer, the applicant is requested to report to the district office at a given date and time. Roughly 88% of the applicants appear on that date or make arrangements to come at some other time. Different district offices use different approaches to the applicants who fail either to appear for the preliminary interview or to reschedule it. Some offices send out a second notice to appear, while others simply close the cases. More detailed data on this subject are not available.

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<sup>3</sup> INS also handles a relatively small number of other applications from aliens seeking permission to preserve their residence for naturalization purposes while serving U.S. interests overseas and from naturalized citizens who have lost their citizenship certificates; these and similar matters have been excluded from this study on the grounds of their relative insignificance.

<sup>4</sup> We noted earlier that there was a reason why the applicant had to supply identical information on both the N-400, and the G-325. Since the FBI does not see the N-400 it can not use information on that form, thus the basics of name, address, date and place of birth, and the like are recorded again on the piece of paper sent to the FBI.

<sup>5</sup> Some INS officers contend that there is a pattern of retiring such files after four or five years of non-activity. This happens to coincide with the number of years of residence needed to apply for naturalization status, so that the file moves out of the INS office at just about the time that it is needed for naturalization purposes.

There are four possible outcomes of the completed examination, in the order of likelihood:

- The applicant is recommended for approval.
- The applicant is apparently not qualified, and the examiner persuades the applicant to withdraw the application. This is called a "Non-File".
- A problem arises in the examination that cannot be settled on the spot; there may be a need to secure more information or to locate a missing document. Similarly, the applicant may be otherwise qualified, but his command of the language or knowledge of the U.S. government may be insufficient — problems that also may be solved by the passage of time. In all of these instances, the cases are "Continued".
- The applicant appears not to be qualified; the examiner suggests the withdrawal of the application; the applicant refuses; and the examiner prepared a recommendation (to the court) of a "Denial".

An applicant who withdraws an application may apply again in the future. (There appears to be no body of data indicating how often aliens in the Non-filed or Return categories appear in the system later.) The Continued cases stay in the system until they are resolved, sometimes through a more comprehensive examination, called "Qs and As;" sometimes through a re-examination, discussed subsequently, and sometimes through a process called denial for lack of prosecution (in which the applicant, in effect, gives up his efforts but does not withdraw his application). Recommendations of denial are taken into the courts for disposition.

Most of the examinations, however, lead to approvals (also called Grants by INS). In these cases, the examiner prepares a formal petition to the court that the applicant be granted citizenship. This document, the N-405, is shown in Exhibit 9. Meanwhile, the applicant has been sent to a clerk of the court to pay the \$50 fee.

Paying the fee is a process that varies from place to place and is controlled by the courts. In many of the larger offices, (e.g. Los Angeles, New York and Miami) a court employee is stationed just off the citizenship waiting room to receive the fee. In Baltimore the clerk's office is in the same building as the INS office but on another floor. A successful applicant living in Northern Virginia, however, passing the examination in the INS district office in Washington during 1985 had to pay the fee to the clerk of the court in Alexandria.

Although the amount of the fee is standard, the method of payment is not. Some courts demand money orders. Some do and some do not accept personal checks. Some do and some do not accept cash, and some of those accepting cash will only accept the exact amount.<sup>6</sup>

Once the petition has been filed, and the fee paid, the next task is to produce the certificate of citizenship. As noted earlier this is a document produced either by the court or by INS; the forms are printed centrally by the Bureau of Engraving and Printing, but they are completed in each local jurisdiction. The certificates are distributed to the new citizens at the ceremony, which is described later.

**Variations on the Basic Pattern.** Described above are the usual steps taken during the naturalization process by INS. What happens to an individual application can vary, depending on the

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<sup>6</sup>. In five locations where we gathered data on this point the fees were handled in five different ways: Baltimore accepts cash, personal checks and money orders; in Los Angeles it must be a money order or exactly \$50 in cash; in New York cash is not accepted, only a money order or a certified check; in Miami it can be a money order or cash; and in Washington district office one must bring in a money order with the payee line left blank. This arrangement apparently is designed to cope with the fact that the DC INS office works with the clerks of two U.S. district courts, those of the District of Columbia and Virginia. These rules are those of the district courts, and not INS; courts that do not accept either a personal check or cash are, in effect, raising the fee by a couple of dollars, because one must pay a bank for money orders or certified checks.

EXHIBIT 9

The INS-Produced Petition for Naturalization

PETITION FOR NATURALIZATION

U.S. DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

DUPLICATE
(To accompany
Monthly Report on Form N-4)

Petition No. \_\_\_\_\_

A.R. No. \_\_\_\_\_

To the Honorable \_\_\_\_\_ Court for the \_\_\_\_\_ at \_\_\_\_\_

This petition for naturalization, hereby made and filed under section \_\_\_\_\_
Immigration and Nationality Act, respectfully shows:

- (1) My full, true, and correct name is \_\_\_\_\_ (Full, true name, without abbreviations)
(2) My present place of residence is \_\_\_\_\_ (Apt. No.) \_\_\_\_\_ (Number and street) \_\_\_\_\_ (City or town)
\_\_\_\_\_ (County) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip Code)
(3) I was born on \_\_\_\_\_ in \_\_\_\_\_
(4) I request that my name be changed to \_\_\_\_\_
(5) I was lawfully admitted to the United States for permanent residence and have not abandoned such residence.
(6) (If petition filed under Section 316(a).) I have resided continuously in the United States for at least five years and continuously in the State in which this petition is made for at least six months, immediately preceding the date of this petition and after my lawful admission for permanent residence, and I have been physically present in the United States for at least one-half of such five year period.
(7) (If petition filed under Section 319(a).) I have resided continuously in the United States in marital union with my present spouse for at least three years immediately preceding the date of this petition, and after my lawful admission for permanent residence, during all of which period my said spouse has been a United States citizen, and have been physically present in the United States at least one-half of such three-year period. I have resided continuously in the State in which this petition is made at least six months immediately preceding the date of this petition.
(8) (If petition is filed under Section 319 (b).) My present spouse is a citizen of the United States, in the employment of the Government of the United States, or of an American institution of research recognized as such by the Attorney General, or an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States, or subsidiary thereof, or of a public international organization in which the United States participates by treaty or statute, or is authorized to perform the ministerial or priestly functions of a religious denomination having a bona fide organization within the United States, or is engaged solely as a missionary by a religious denomination or by an interdenominational mission organization having a bona fide organization within the United States, and such spouse is regularly stationed abroad in such employment. I intend in good faith upon naturalization to live abroad with my spouse and to resume my residence within the United States immediately upon termination of such employment abroad.
(9) (If petition is filed under Section 328.) I have served honorably in the Armed Forces of the United States for a period or periods aggregating three years. I have never been separated from the Armed Forces of the United States under other than honorable conditions. If not still in service, my service terminated within six months of the filing of my petition.
(10) (If petition is filed under Section 329.) While an alien or noncitizen national of the United States, I served honorably in an active-duty status in the military, air, or naval forces of the United States during either World War I or during a period beginning September 1, 1939, and ending December 31, 1946, or during a period beginning June 25, 1950, and ending July 1, 1955, or during a period beginning February 28, 1961, and ending October 15, 1978, or I was discharged after five years of service under the Act of June 30, 1950 (P.L. 597, 81st Congress). If separated from such service, I was separated under honorable conditions. At the time of enlistment, reenlistment, or induction I was in the United States, the Canal Zone, American Samoa, or Swains Island. If not in any of these places, I was lawfully admitted to the United States for permanent residence subsequent to enlistment or induction. I was never separated from such service on account of absence. I was not a conscientious objector who performed no military, air, or naval duty whatever or refused to wear the uniform. I have not previously been naturalized on the basis of the same period of service.
(11) I am not and have not been, within the meaning of the Immigration and Nationality Act, for a period of at least 10 years immediately preceding the date of this petition, a member of or affiliated with any organization proscribed by such Act, or any section, subsidiary, branch, affiliate or subdivision thereof, nor have I during such period believed in, advocated, engaged in, or performed any of the acts or activities prohibited by such Act.
(12) I am, and have been during all the periods required by law, a person of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States.
(13) It is my intention in good faith to become a citizen of the United States and take without qualification the oath of renunciation and allegiance prescribed by the Immigration and Nationality Act, and to reside permanently in the United States. I am willing, when required by law, to bear arms on behalf of the United States, to perform noncombatant service in the Armed Forces of the United States, and to perform work of national importance under civilian direction (unless exempted therefrom).
(14) I am able to read, write, and speak the English language (unless exempted therefrom), and I have a knowledge and understanding of the fundamentals of the history, and of the principles and form of government of the United States.
(15) Wherefore I request that I may be admitted a citizen of the United States of America. I swear (affirm) that I know the contents of this petition for naturalization subscribed by me, and that the same are true to the best of my knowledge and belief, and that this petition is signed by me with my full, true name. So Help Me God.

WHEN OATH ADMINISTERED BY CLERK OR DEPUTY CLERK OF COURT
Subscribed and sworn to (affirmed) before me by above-named petitioner in the respective forms of oath shown in said petition and affidavit, and filed by said petitioner, in the office of the clerk of said court at \_\_\_\_\_
this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_
Clerk.
Deputy Clerk.

WHEN OATH ADMINISTERED BY DESIGNATED EXAMINER
Subscribed and sworn to (affirmed) before me by above-named petitioner in the respective forms of oath shown in said petition and affidavit at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_
Designated Examiner.
I HEREBY CERTIFY that the foregoing petition for naturalization was by petitioner named herein filed in the office of the clerk of said court at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_
Clerk.
Deputy Clerk.

practices of different local offices, on the different levels of computerization in those offices, and on the presence or absence of applicants' attorneys in a given case.

Several of the smaller INS offices engage in a variation of the naturalization procedure called "up-front" or "one-stop" adjudication. We saw this operation in action in Baltimore. There INS has announced that it will adjudicate, immediately, any citizenship application brought to it between the hours of 8:00 a.m. and 2:00 p.m. on the first four days of the week. The offer is good for the first 60 applications filed in a given day; and only on the first day of the program did more than 60 applicants appear.

Applicants for citizenship are informed, by a hand-lettered sign in Baltimore's main INS waiting room that they are to knock on the Naturalization unit's door if they want to apply. (They do not need to get a number, like the rest of the INS customers.) Applicants without application forms can secure them from the unit; those with filled-in application packages may give them to an application's clerk. If the packages appear to be complete, the clerk will arrange an interview with an examiner; if they are incomplete, the application will be given back to the applicant with instructions as to what more is needed. Applicants with the correct set of documents are then examined, and those who pass are told to wait a few minutes while the formal petition is prepared. They are then sent upstairs with the petitions to pay their fee with the clerk of the U.S. district court.

There are both advantages and disadvantages to this system. On the plus side, it saves time for the successful applicants who can be tested immediately; it saves clerical time for INS as there are no appointments to be made and considerably less correspondence. On the negative side an applicant who fills out the form on the spot has no time to study the government and the history of the United States; and the examiner must often do the interview without the benefit of the A-file, a practice which makes the examiners uncomfortable. Further, while the Baltimore procedure eliminates the waiting time before the examination, it does not have any bearing on the other two waiting periods — for the return of the report from the FBI and for the scheduling of the court ceremony. INS officials in larger offices contend that the Baltimore pattern cannot be used where there are large numbers of applicants who presumably would come to the offices in unpredictable ebbs and flows.

Another source of variation is the degree of computerization. Most INS offices operate their naturalization programs without the assistance of computers (beyond access to the Service's basic computerized data bank on aliens with A-numbers issued in the last 20 years or so.) Five INS offices — Detroit, Houston, Los Angeles, Newark, and the San Jose subdistrict office — have a first-generation system called the Naturalization and Citizenship Casework Support System (NCCSS), while three others (Chicago, Miami and San Francisco) have the second generation Naturalization Casework System (NACS).

NACS provides the INS managers in Miami, the one place we saw it in operation, with detailed information on the exact status of each of the thousands of cases in the system. NACS mails out receipts for filed applications and later sends notices to applicants telling them to appear for the preliminary interview and for the ceremony. NACS is also used to schedule the assignment of specific cases to specific examiners weeks before the actual examinations. It is the hope of the INS Central Office to make this system available to all but the smallest district offices in the next few years.

A third variation in the way a specific case may be handled is the presence or absence of a lawyer. Most applicants do not use lawyers and those working within the system suggest that under most circumstances the presence of an attorney is not essential. Lawyers in the field disagree.

"I used to refuse to accept naturalization cases," one attorney told us, "on the grounds that the lawyer-examiners knew their business very well and gave the applicants a fair shake on the examination. But now that the lawyers are gone, and they have been replaced by a mixed lot, including some ex-Border Patrolmen, I take the cases."

Attorneys told us that sometimes their principal function is to give the applicant a sense of

confidence; another major function is to make sure that the applicant knew what had happened. (That applicants often did not know whether or not they passed the examination was a story coming to us from many non-lawyer sources as well.) Others said that the presence of a lawyer helped prevent unreasonably difficult questions. Still others said that their presence in the case made it less likely that files would be lost, or, if lost, would be found more quickly. (One attorney routinely filed Freedom of Information Act actions on every naturalization case handled as a technique for following its progress.)

Perhaps the sharpest criticism of the naturalization system came from a couple of lawyers who were graduates of the system. Their focus was not on the run-of-the mill examinations of persons who may, or may not, have adequate knowledge of the nation and of English but of persons with more intricate problems. These were cases involving good character, complex residence issues, and underlying immigration law disputes.

"The typical INS examiner does not want to tackle the more difficult cases; they really do not want to put their necks out to make a decision, because if they do that, they run the risk of being wrong, and they do not want to be wrong. So they delay and hope that the applicant will lose interest, so that they can deny the petition for lack of prosecution," said one such critic.

The attorney's role in such a case is to press INS to make a decision, either way. If it is a grant, the lawyer's client wins, and if it is a denial it goes to court where a decision of some kind will have to be made.

Unfortunately, there is little beyond anecdotal evidence in this field. The problems described here undoubtedly have occurred, but the question is how often; and neither INS nor its critics could supply any statistical data on this point.

In at least one office visited, Chicago, INS has created a structured system for attorneys seeking information about naturalization clients. Once a week a senior examiner sets aside several hours to meet with attorneys, who sign up weeks in advance for these sessions. No attorney can have more than 15 minutes a week, and each can bring up a maximum of three cases. Reviewing the signup sheets suggest that in Chicago, at least, the practice of naturalization law is concentrated in a few hands. The same names appeared week after week on the signup sheets.<sup>7</sup>

**The Graphics of the Process.** Anyone looking at the naturalization process from outside is likely to notice the graphics, the application forms, the brochures and the form letters; insiders appear to be accustomed to them. To put it mildly, the graphics are drab and the texts are often ponderous.

The N-400 asks too many questions. It tries to cover too much ground in too little space. Consequently the type is too small. As several people pointed out to us, the space provided to answer questions about every trip made outside the country is completely inadequate for either business travelers or persons who visit relatives in nearby nations frequently.

The form letter telling the applicant of the preliminary examination (N-430) is a stiff government document. The earlier, non-computerized version is quite legible (Exhibit 5) while the more recent version is not (Exhibit 4).

Not only are most of the basic forms badly designed, but they are also often written in legalistic, complex prose. A good example of this can be found in Exhibit 10, which shows a passage from the basic informational document on the program. Even worse is the flyer shown in Exhibit 11. I saw an examiner hand that document to a woman who had failed her examination because of lack of knowledge

<sup>7</sup> For another view of these relationships see Calvin Trillin's piece "Profiles: Making Adjustments" in the *New Yorker* of May 28, 1984. It dealt, cheerfully, with immigration lawyers and the Houston INS office.



## **EXHIBIT 10**

### **Passages from INS Brochure on Citizenship**

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#### **EMPLOYEES OF ORGANIZATIONS PROMOTING UNITED STATES INTERESTS ABROAD**

A person who has been lawfully admitted to this country for permanent residence and who thereafter is employed abroad by a United States incorporated nonprofit organization which is principally engaged in conducting abroad through communications media the dissemination of information which significantly promotes United States interests abroad and which is recognized as such by the Attorney General, may take advantage of special naturalization exemptions. Examples of such an organization are Radio Free Europe, Inc., and Radio Liberty Committee.

*American Women Who Married Aliens.* As a general rule, a woman could have automatically lost her United States citizenship if, before September 22, 1922, she married an alien, or if her husband was naturalized in a foreign country, or if, between that date and March 3, 1931, she married an alien who was not of the white race or African race. In each of these instances, she lost her citizenship if she entered into the marriage with the intention of relinquishing her United States citizenship.

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This is a page from *Naturalization Requirements* and General Information, INS Form N-17 (Rev. 5-5-83)

## EXHIBIT 11

### INS Document for Those Needing to Study U.S. Government and English

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#### UNITED STATES DEPARTMENT OF JUSTICE Immigration and Naturalization Service

#### INFORMATION CONCERNING CITIZENSHIP EDUCATION TO MEET NATURALIZATION REQUIREMENTS

A person who is applying for naturalization as a citizen of the United States generally is required to show that they have some knowledge and understanding of the English language and of the history and form of government of the United States. Certain persons are exempted from the English requirements and may become citizens even though they cannot read, write or speak English. The exact requirements, and the exemptions from them are stated below:

1. The applicant has to be able to speak, read and write simple words in everyday use in the English language.  
**Exceptions:** A person who is physically unable to speak, read or write English is exempt. The same exemption is given to a person who is over fifty years of age on the date of the examination, and has been a lawful permanent resident in the United States for at least twenty years on that date.
2. The applicant has to be able to sign his or her name in English.  
**Exceptions:** Those who are over fifty years of age on the date of the examination, and have been a lawful permanent resident in the United States for at least twenty years on that date are permitted to sign their names in a foreign language.
3. The applicant has to be familiar with the Constitution and the more important historical facts in the development of the United States, and with the form and principles of our government.  
**Exceptions:** With the exception of certain former United States citizens and children, all applicants have to show that they have this knowledge. They may show this in a foreign language if they are exempt from speaking, reading and writing English under paragraph No. 1 above.

The test to determine whether the applicant has the required knowledge of English, history and government is given by a naturalization examiner when the applicant appears before him or her, with two witnesses, to file a petition. The test is given orally. The questions asked are in simple English and cover only subjects with which anyone who has made a reasonable effort to learn should be familiar.

Applicants who are interested in receiving instruction to prepare themselves for the examination and for good citizenship may receive help in citizenship classes. These classes are conducted by public schools in many communities, in cooperation with the Immigration and Naturalization Service. This instruction is generally provided without charge. Interested persons may obtain information regarding these classes from either a local office of the Immigration and Naturalization Service, the clerk of a naturalization court, the Department of Public Education in their city or state, or from a school in the community. Public school certificates issued to applicants who have attended these classes, showing the applicants' attendance and progress in their studies of the Constitution and the history and government of the United States, are given consideration and weight by naturalization examiners in determining the applicants' educational qualifications for naturalization, provided the courses of instruction, teaching methods, and examinations of the public schools issuing such certificates have been approved by the Immigration and Naturalization Service and the naturalization courts.

Persons who cannot conveniently attend citizenship classes may find it possible to prepare themselves through correspondence courses in citizenship education conducted by educational institutions. The names and addresses of such institutions are contained on the last page. Full information concerning these courses may be obtained by writing to any one of the institutions.

Those who cannot arrange to attend classes or participate in a correspondence course through an educational institution, and can be helped by someone at home, may study from textbooks prepared for that purpose which are listed on pages 2 and 3.

In addition to the citizenship classes and courses which are available to persons preparing for citizenship, the Immigration and Naturalization Service publishes textbooks on citizenship, in several parts, listed on page 2. These books are issued without cost to public educational institutions which conduct citizenship classes for aliens preparing for naturalization. These institutions may obtain the books from the appropriate regional office of the Service, listed on page 4, by submitting, in duplicate, Form G-62, "Requisition for Federal Textbooks on Citizenship." The books are also available without charge to aliens who are preparing for naturalization under the supervision of public educational institutions. Other schools, organizations, or aliens not eligible to receive the books without charge may purchase them if they wish from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Orders for the purchase of the books should be sent to that office, not to the Immigration and Naturalization Service. These purchase orders should state clearly the particular book desired, including the form number listed, and should be accompanied by cash (at the sender's risk) or a money order or check payable to the Superintendent of Documents. Postage stamps are not acceptable.

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\*Note the reference to two witnesses in this form revised in 1980 and used by INS in the summer of 1985. The two-witness requirement had been dropped by the Congress in 1977.

of English! She needed a basic text for beginners in English, not a series of bibliographic recommendations.

Regarding the design of the citizenship certificate, care should be taken to remove detailed personal information from the face of the document. Although no one has commented to us on the inappropriateness of the design, it seems needlessly public and easily remediable. The certificate is 10 inches by 8 inches in size and is printed on high-quality paper, much like that found in the older generation of stock certificates. A newly naturalized friend happily showed me her certificate which carried her photograph and notations that she was 47 years of age, 5'1" tall, weighed 140 pounds and was divorced. That level of detail may be appropriate, but why on the face of the document? Why not put that on the back of it? As noted earlier, the naturalization certificate is too large to be carried handily as an identification document, and for that reason, until a couple of years ago, INS would, on application, issue a wallet-sized citizenship card (the I-197). The card, which was particularly useful to citizens frequently crossing our borders, and to the inspectors who screened them at the ports, was eliminated by INS for financial reasons. As a result of these policies, the new citizen, who has been accustomed to the convenience of the green card as an identification document, has no handy comparable identification.

The paperwork associated with the naturalization program, it should be noted, is not the total responsibility of INS. One of the reasons why the N-400 is so complicated and asks so many questions is because the underlying law is a complex one. Congress needs to be encouraged to make matters simpler. But the explanatory material about the naturalization program could be written more clearly and presented more attractively.

### **C. The Examination.**

**The First Interview.** An individual applicant may wait months for the citizenship interview — and had to wait for years in some cities in the recent past — but there is no waiting for the examiner, who is likely to have 20 or 22 initial interviews every day, day after day. The session, in INS terms' is a "preliminary examination," an accurate if somewhat misleading phrase. It is narrowly accurate in the sense that only the judge can decide who will be a citizen, but in fact that decision is routinely made by the examiner in the preliminary interview. (For the same reason, the confirming ceremony is called the "final hearing.")

An individual examiner in the larger offices is likely to be assigned to a homogeneous caseload each day. Most are given 20 to 22 applicants who are new to the naturalization system; another examiner may be given people applying again after failing the first examination; while a third will be assigned the tough cases, the Qs and As, where detailed data gathering is required.

Let us assume that Examiner Y works in Los Angeles and that the assignment for the day is initial interviews. Although the examiner gets to the office promptly, many of the applicants are already in the waiting room and have signed in with a clerk, who stacks the applicant files in the order of their appearance in the room. Examiner Y takes a folder from the top of the pile heeding the handwritten sign "no picking and choosing," an instruction designed to discourage examiners from avoiding the thicker folders that probably indicate more complex cases.

Examiner Y goes into the waiting room and calls the name of the first applicant. The applicant approaches, the examiner takes the lead as the two introduce themselves and the examiner then leads the applicant down a hall to a glass-walled cubicle. After swearing in the applicant, the examiner starts to review the application (which he has not seen before). The application has been completed, as requested, in a black pen or has been typed; the examiner checks through the form using a red pen. This is a nice touch, as it automatically and permanently distinguishes between what the applicant and what the examiner have written on the form.

Whether by accident or design, the first part of the interview is non-threatening to all but the most nervous applicants. Examiner Y checks to make sure that the address on the application is still correct. To some extent, this question is designed to confirm that the applicant is still eligible. For had the applicant moved to another state since the filing, he would not have met the six months, state-residence requirement. To a greater extent, the question is designed to make sure that the system has the correct address for future correspondence.

Examiner Y then asks the applicant to present his passport, his green card, and other identification documents. These are then checked to make sure that the information on the application about the place and date of arrival in the United States, and the length of time in the States, agree with data in the other documents. If minor corrections need to be made, Examiner Y does it with his red pen.

The next group of questions are designed to cause the applicant, under oath and in the presence of an officer of the U.S. Government, to confirm the answers to the good character questions. Sometimes the examiner will ask the questions just as they are written on the N-400; sometimes he will rephrase them in a positive manner: "You haven't had any trouble with the police, have you?" Or "You do support the Constitution of the United States?"

Unless glaring problems arise, most examiners tend to give the benefit of the doubt to the applicant. In one session I witnessed, the applicant was a handsome, youthful-appearing 52-year-old laborer. The physical description is important to the story because his application indicated that he had married only once and had only one child, a four-year-old. The examiner, who switched into serviceable, if undistinguished Spanish when she found that he was a 50-20 case, pressed him a little. "Only one child?" She asked. "Only one wife?" After he passed the examination and left the room, I asked the examiner if she found it unlikely that such an attractive male would have been single until he reached 48, and that he would have only one child. "Of course I did not believe him," she said, "but what grounds do I have to say he was lying to me? I can't say he's too good-looking to have not married till he was 48."

Returning to Examiner Y, he completes checking the replies in the N-400 and moves into the one written portion of the examination, dictating a sentence to be written by the applicant on the form. As noted earlier, the sentences I heard were generally short and easy ones; I recall only one case in a score of interviews in which the applicant was rejected for inability to write English. The examiner alone makes this determination, and the only evidence is the one line of writing on the N-400.

Examiner Y now moves into another area where he has much discretion, the series of questions about American government and history. Each examiner seemed to have his own litany of not-too-difficult questions about the flag, the nation's early history, the number of states and senators, and the names of the governor and of the senators. Those interviewed in New York had a much stronger image of their mayor than their governor, while only in Miami were applicants asked to name the vice president. (His son, I learned, is the Republican county chairman of Dade County.)

In the course of this research, I saw only one person turned down for lack of governmental knowledge; this happened in Baltimore, and the applicant was a German woman who spoke excellent English, but she knew virtually nothing about the government or the Constitution. This pattern, of good English and little governmental knowledge, is one encountered elsewhere by INS, I was told. The theory is that applicants confident of their ability with the language do not bother to study for the examination while those without the confidence are more likely to study for it.

**Subsequent Interviews.** What happened to the lady in Baltimore after she failed her test? The first thing that happened was that she was asked to withdraw her petition, a Non-file. In her case, she did not pay the fee, and could, because of Baltimore's system, come back at any time to try again. Had she applied and failed in Miami, she would have paid her \$50, been classified as a continued

case, and would have, sometime later, been asked to report to the INS office for another interview. In Denver those who are otherwise eligible, but who fail the test, can return on any Wednesday for another interview. Subsequent examinations take less time than the initial ones because the application has already been reviewed, and the applicant simply has to prove his or her knowledge of English or of the government.

Given the large volume of cases in Los Angeles, that office has devised an assembly-line form of re-examination. Several days a month are set aside for re-examinations, with those needing to be re-examined mailed letters telling them to report at a given day and hour. The applicants, in groups of 100 or so, are seated in a large room and are then given a written test. This is in English for most, and in Spanish for the 50-20 cases. (If someone qualifies for a 50-20 provision in some other language an interpreter is used.) Half a dozen different examination papers are distributed in such a way that no applicant can learn anything by looking over his neighbor's paper. The examination consists of about a dozen questions and those requiring a very short written answer. Because the test is written in English and requires some writing in English it takes care of both the language and the government knowledge aspects of the examination. The examiner running the group test grades the papers. About 75% of those notified of the re-examination report for it, and about 75% to 80% of those taking the examination pass it. Statistical data on the pass-fail rates for subsequent examinations in other locations were not available.

#### **D. The Ceremony.**

The final hearing, or citizenship ceremony, is an event arranged by local INS offices following negotiations with the pertinent court system. Thus there is much decentralized decision-making, as elsewhere in the program, and quite different patterns in different places.

Often the courts and INS have arranged regular schedules of ceremonies. There are four a year in the U.S. District Court in Indianapolis, covering the state of Indiana. There are ceremonies every week in Manhattan and also in Brooklyn, to take care of the new citizens of New York City. All of these are in federal courthouses.

The Miami INS office prefers a monthly ceremony in the Dade County Auditorium, where the local federal magistrate presides over the installation of some 800 to 1000 new citizens. On September 17, 1984, with strong encouragement from the local Republican Party and the Cuban community, a mass ceremony was conducted in the Orange Bowl in which nearly 10,000 new citizens took the oath of allegiance. That event was viewed with mixed feelings inside the local INS office; it was a spectacular event that dominated the top half of the front page of both daily newspapers, the Vice President was there and in general all went smoothly. On the other hand it was a logistical challenge of the first order, it used so many people to staff it that the entire INS office closed for the day, and there are still certificates for that day's new citizens that have not yet been claimed. Further, it appears that some people were granted citizenship who were not eligible.

The Los Angeles INS office, however, wants big ceremonies and is working with a court system that does not want them. The chief U.S. district court judge will not accept any ceremonies with more than 3,000 participants on the grounds that larger ceremonies lack dignity. As a result of these tensions, each ceremony in Los Angeles, or each group of three or four ceremonies there, are negotiated for separately. All of this could be regarded as a tempest in a teapot if it were not for the large numbers of approved applicants waiting for the resolution of these negotiations in the one city. The Immigration Service, as we show subsequently, has provided substantial additional resources to the adjudication of naturalization applications; this has produced near-record numbers of approvals and a shorter waiting time within the INS process, but in several areas the courts have not kept up with the new pace of INS.

While arrangements for the ceremonies differ from place to place, two elements therein are exactly the same nationwide: the oath and an exchange of documents. The text of the oath has not changed much since the 1790s and sounds it:

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**"I HEREBY DECLARE, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and the laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by law; that I will perform noncombatant service in the Armed Forces when required by law; that I will perform work of national importance under civilian direction when required by law; and that I take this obligation freely without any mental reservation or purpose of evasion: SO HELP ME GOD. In acknowledgement whereof I have hereunto affixed my signature."**<sup>8</sup>

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Alternatively, one may affirm, rather than swear, the oath. As it stands the oath not only has a quaint air to it, the Princes and the Potentates, the abjures and hereuntos, it also has a negative ring to it, no amber waves of grain nor rockets' red glare. Changing such statement, of course, would be difficult since, like everything else in the naturalization business, it has been written into the law by the Congress.

After the oath has been sworn, and the new citizens affix their signatures to their final INS document in this sequence, they are given their citizenship certificates. But INS wants something in return, the green cards and any INS-issued travel documents, such as the Re-Entry Permit (I-137) or the Refugee Travel Document (I-571). A number of people who have been through the ceremony have expressed puzzlement over this: "Why can't I keep these items?" we were asked. The INS motivation is a sensible one, though I have never seen it spelled out anywhere: such documents can be re-used fraudulently, and INS wants to take them out of circulation.

#### **E. Financial Considerations.**

The fees paid in the naturalization process appear to exceed the moneys spent on it. While other fees bring in some income, the principal source of funds is the \$50 fee paid with every N-405 filed.<sup>9</sup> During FY 84, there were 286,440 petitions filed, producing \$14,322,000 in fees; that total will increase by at least 10% in FY 85, which should bring in at least \$15,750,000.

In FY 84 INS devoted 753,474 productive hours to naturalization activities, mostly to handling the N-400s and the resulting N-405s. We presume that about 45% of these hours were those of officers, and about 55% were those of clerks. The division of these hours were reflected in the FY 85 data, but

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<sup>8</sup>. There follows, in the smallest type available to the Government Printing Office, this text: "Note — In renunciation of title or order of nobility, add the following to the oath of allegiance before it is signed 'I further renounce the title (give title or titles) which I have heretofore held' or 'I further renounce the order of nobility (give the order of nobility) to which I have heretofore belonged.' "

<sup>9</sup>. The \$50 fee is set by the courts; most other fees relating to INS activities are set by the Service.

not reported in the FY 84 reports. Assuming that the clerks, on average, were in the fifth step of GS-5, and that the officers were, on average, in the fifth step of GS-11, we apply INS calculations of \$7.56 for a productive hour of clerk's time and \$13.88 for an officer hour. Multiplying this out we get a raw labor cost of \$7,839,141 to which INS routinely adds an overhead charge of 66% (covering leave, training time, space, communications and the like) which brings the total to \$13,012,974.<sup>10</sup> Although such calculations, whether done by the government or outsiders, are only rough approximations of true costs, it would appear that, if anything, the naturalization program produced a little more in fees than it cost in appropriated funds. It would seem, therefore, that an additional million dollars or so could be spent on the program without using tax moneys.

The fees paid to the courts, incidentally, are retained neither by the courts nor by INS. They are deposited in the Treasury. With the exception of small amounts of money used for textbooks, funds used to mount the naturalization program are secured through the normal budget processes.

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<sup>10</sup>. This estimate does not cover either the small sums spent on textbooks nor the rather more substantial costs to the courts.

## CHAPTER FOUR

# THE RESULTS OF THE NATURALIZATION PROCESS

There are five groups of results of the naturalization process, which are summarized below and discussed in greater depth subsequently:

- A. Only a small majority of the nation's foreign-born are naturalized, and while the percentage of the foreign born who are naturalized has declined steadily over the past 40 years' that trend may have reversed itself in the last few years.
- B. The waiting times in the INS part of the naturalization process have been reduced substantially in the last two years despite a growing volume of applications.
- C. Most applicants are granted citizenship on their first attempt; very few are formally denied; many pass only after one or more delays (called "returned" and "non-filed" cases by INS); an unknown number drop out of the system.
- D. A group statistical portrait of the new citizens each year would show them to be: 34 years old, 8 years of residence in the States, 54% female, with widely varying rates of naturalization by country of origin.
- E. The management information system that provides these and other data is inadequate.

### A. The Extent of Naturalization

Every 10 years the U.S. Census asks a large sample of the American population where they were born and, if foreign-born, whether or not they are naturalized citizens. The Census has reported the following data on both of these points in three of the last four enumerations:

YEAR	FOREIGN-BORN	NATURALIZED	PERCENTAGE
1950	10,347,395	7,562,970	73.1%
1960	9,738,000	na	na
1970	9,739,723	6,198,173	63.6%
1980	14,079,906	7,110,475	50.5% <sup>1</sup>

The principal reason for this trend relates to the remarkable number of naturalizations effected during World War II. There was a strong desire on the part of the foreign-born to identify with the nation during the War, and this, coupled with the fact that INS had relatively little else to do (there being little immigration in wartime) created record-breaking numbers of new citizens. There were, at the peak, 441,979 in FY 1944.<sup>2</sup> As the foreign-born who lived in the U.S. during the War died in the years after the War, the percentage of the entire foreign-born population that had been naturalized decreased.

Recent work by Robert Warren of INS and Jeffrey S. Passel of the Census Bureau has shed additional light on this subject, but has created new complications as well. Warren and Passel compared the number of INS-reported naturalizations by year of entry and country of origin with the self-reported naturalizations recorded by the Census. They found that some million people who could not have been naturalized reported that they had been. Some of the million were foreign-born persons who were

<sup>1</sup> For 1950 and 1960 the source is *Historical Statistics of the United States: Colonial Times to 1970* Table C181-194; for 1970, *Census of Population: 1970 Detailed Characteristics, Final Report PC(1)-D1 United States Summary* Table 195; for 1980, *Census of Population: 1980* Vol. 1, Chapter D, Part 1, Section A, Table 254A.

<sup>2</sup> *INS Annual Reports* carried these data in Table 37; the newer generation of the *INS Statistical Yearbooks* carry it in Table N-1.



confused about the question or lied about it; the balance were not foreign-born at all, being citizens born to U.S. citizens overseas who considered themselves naturalized, when they were, in fact, citizens by derivation. Further, the Warren-Passel report also indicated that about 2.1 million of the foreign-born were in the nation illegally (and ineligible for naturalization).

To calculate the percentage of *the foreign-born eligible for naturalization* covered by the 1980 Census, we adjusted the number of foreign-born by subtracting out both the 2.1 million illegal aliens and the 2,288,262 immigrants who arrived in the five years prior to the April 1, 1980 Census, most of whom were ineligible. This produced a net of 9,591,644 eligible for naturalization. We then subtracted 1 million from the number of those reporting naturalization, producing 6,110,475, or 63.7% of the eligibles. Looking at the data from another angle, this suggests that there were in the Spring of 1980 about 3.5 million aliens who were eligible for naturalization but who had not become citizens. That number has undoubtedly grown in the last five years.<sup>3</sup>

There is some evidence that an increasing percentage of newly arrived foreign-born cohorts are becoming naturalized. Turning to the data used for Exhibit 8, we compared three-year rolling averages of immigrant flows to those naturalized eight years after the middle year of the three. Thus, we compared the average annual flow for the years 1967, 1968, and 1969 with the naturalizations for the year 1976 with the following results:

Three-year average immigration		Naturalizations Eight years later		Percentage
1968	391,666	1976	142,504	36%
1969	395,451	1977	169,873	42%
1970	367,461	1978	173,533	47%
1971	376,163	1979	164,150	43%
1972	385,075	1980	157,938	41%
1973	393,203	1981	166,317	42%
1974	393,706	1982	173,688	44%
1975	393,222	1983	178,948	45%
1976	415,707	1984	225,299	54%
1977	487,456	1985	249,296	51% <sup>4</sup>

Although the flow of the percentages is not smooth, the percentage naturalizing seems to be higher in the last two years than in the previous ones. One of the reasons for this is the recent effort by INS to reduce its backlogs, discussed below.

#### B. Waiting Times.

The most positive development in the naturalization field since World War II is the recent dramatic reduction in waiting times for naturalization applicants.

Presumably, one of the reasons why the percentage of naturalizations among those eligible is

<sup>3</sup> Warren, Robert and Passel, Jeffrey S., "A Count of the Uncountable: Estimates of Undocumented Aliens Counted in the 1980 United States Census," revised version of paper presented at the 1983 meeting of the Population Association of America, Pittsburgh.

<sup>4</sup> Data are from previously cited INS sources; the data are for fiscal years, with the transitional quarter omitted. The 1985 naturalization total is a partial estimate, being an extrapolation from data for the first nine months of the fiscal year. The percentage naturalizing in 1983 through 1985 may have been increased slightly because of the presence of Indochinese refugees within the naturalization applicant pool; they have a somewhat higher rate of participation than aliens generally.

low is because the process has been a long one. This not only discouraged some would-be applicants but it also caused a large number of people to have an understandable vagueness about their citizenship status. At the time of the 1980 Census, there were about 200,000 aliens with citizenship applications pending. Currently, there are more than 260,000 people in this status.

A few years ago, when the situation was at its worst, an applicant in Los Angeles had to wait as many as three years between filing the N-400 and the interview. In 1984 there were still substantial delays as the following INS estimates indicate:

**District Office**

**Waiting Time in Months**

	May '84	Sept. '84
Chicago		
New York	7.5	5.5
Newark	4.5	3.5
Miami	6.0	8.5
San Francisco	4.0	6.0
Los Angeles	10.0	5.0
	14.0	12.8 <sup>5</sup>

Note that in four of these six cities waiting time declined, sometimes sharply, in the latter part of FY'84.

Currently, the goal of the Service is an average processing period of four months between the filing of the N-400 and the completion of the case, completion being the approval, recommendation of denial, return, or non-file of the case. This time period covers a wider range of activities than the filing of the application and the preliminary interview, but it seems, at the moment, to be almost within the grasp of the Service.

Unfortunately, the INS management information system does not record any throughput times, but the reduction in waiting times can be measured in other ways. The most recent data available showed that in the first nine months of FY 85, INS was receiving 30,888 new applications a month; the most recent calculation of pending cases, at the end of July 1985, showed 128,585 cases. If one divides the pending cases by the average monthly filings, one finds that the cases in hand, at the end of July, were on average 4.16 months old.

Meanwhile, and a little less abstract, were our field findings in August 1985; on the days we visited the Miami and Los Angeles offices, they were interviewing applicants who had filed in April and May 1985.

The four-month goal is an average. Some people, particularly in the districts where up-front naturalization interviews are provided, are served more quickly. And some of the more complicated cases take much longer. The most complex of the cases, the ones that take more than a year to adjudicate, are summarized annually in a master docket which is prepared by the districts for the Central Office. (That the district offices must prepare the document serves as an incentive to make the list as short as possible.)<sup>6</sup>

The four-month goal, however, only relates to the processing time within the INS system, and does not relate, directly, to the applicant's view of the process as extending from the filing of the petition to the ceremony. And this is significant because, as Exhibit 12 shows, the backlog of cases has been building up in the courts in the last two years; despite a roughly 25% increase in applications

<sup>5</sup> September 1984 data supplied in letter to Harry Pachon, Executive Director, NALEO, from Nydia Cope, INS Central Office, December 7, 1984.

<sup>6</sup> INS reporting systems, again, fail to provide an important clue to INS managers in that they do not produce a total number of year-old cases. An eyeball estimate of the thick document, with about 20 cases on each page, would be that there are some 1,000-2,000 of them.

between 1983 and 1985, INS has cut both the average processing time within the system and the number of cases it has on hand. The courts, however, have not kept pace. In fact, at the end of July 1985, a benchmark of sorts was reached when, for the first time, a majority of the pending naturalization cases, then numbering 260,222, were in the courts.<sup>7</sup>

We estimate that the average processing time, between filing and ceremony, in the summer of 1985 was a little less than 11 months. The time in the courts appears to be about six and a half months, which is to be added to the four-plus months in the INS system. (The six-and-a-half-month estimate is made by dividing the July 31 caseload in the courts, 131,717, by the courts' average monthly production earlier in FY'85, of about 20,000 cases.)

The number of pending cases within INS increased slowly over the last 20 years, moving from 82,000 in 1965, past 100,000 in 1975<sup>8</sup>, to an end-of-the-fiscal-year-peak of 195,820 at the close of FY 1983. (September 1983, the reader will recall, was a few months after the naturalization program had been set back by the exodus of its entire professional staff.) INS began to devote substantially more productive hours to the program as the following shows:

Fiscal Year	Productive Naturalization Hours
1981	662,449
1982	660,949
1983	657,102
1984	753,454
1985 (partial est.)	886,615 <sup>9</sup>

Although the use of substantial additional personnel, and other efforts to improve productivity, has substantially reduced the naturalization backlogs, it has also brought additional attention to the program, i.e. more applications. The Los Angeles office, which has grown accustomed to 500 applications a day in recent years, was facing, in the summer of 1985, about 800 applications a day. Prompt service apparently attracts more customers, and this means that the INS allocation of personnel to the naturalization function will have to expand again if future backlogs are to be avoided.

### C. Approvals and Denials.

If one's only source of information on the naturalization process is the *INS Annual Report*, one could be misled about the apparent approval rate. It showed for 1907-1977:

Persons naturalized:	9,748,745
Denials	<u>479,379</u>
Total	10,278,124

This indicates a denial rate of 4.5%; it might suggest that 95.5% of the applicants secured citizenship. This is not the case, because what it really says is that of the cases *pressed to a final decision*, 95.5% were approved. In fact, a substantial but unknown percentage of those applying are neither denied nor

<sup>7</sup>. Of the 138,786 cases pending in the courts on July 31, 1985, INS estimated that 50,000 of them were in the Los Angeles District. Of these, 36,000 were scheduled for ceremonies to be held in November of that year; in six days, there were to be two ceremonies a day, each involving 3,000 persons. After these twelve ceremonies the court backlog should be reduced substantially.

<sup>8</sup>. Derived from *1977 INS Annual Report*, Table 37.

<sup>9</sup>. Productive naturalization hours climbed in each quarter of the 1985 fiscal year, being 201,133 in the first quarter, 205,808 in the second, 239,837 in the third; the partial estimate of 886,615 is based on the assumption that the fourth quarter will resemble the third.

## EXHIBIT 12

### Naturalization Cases Received and Pending, FY81-85

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Period	Applications Rec'd during Period	Pending Cases at End of Time Period			
	(1)	In INS (2)	In Courts (3)	Total (4)	% of Cases In Courts (5)
FY 1981	271,398	148,643	56,125	204,768	27.4%
FY 1982	280,323	154,112	68,351	222,463	30.7%
FY 1983	298,227	195,820	66,025	261,845	25.2%
FY 1984	370,358*	160,364*	122,848*	283,312*	43.3%*
FY 1985 (est)	369,729*	n.a.	n.a.	n.a.	n.a.
First 9 mos. FY 1985	n.a.	138,786*	121,835*	259,751*	46.6%*
First 10 mos. FY 1985	n.a.	128,585*	131,717*	260,222*	50.6%*

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\* Data are for N-400 applications only (i.e. those for adults applying for naturalization); data for prior years include an unknown, but not major, number of other naturalization applications. This change in definition, forced on us by a change in the management information system, tends to understate the growth of naturalization applications in the last two years.

Sources: Columns 1-3, generally the INS management information system; for FY 1981-1984, form G-23.11; for FY 1985, form G-22.3. Columns 4 and 5 are NALEO calculations based on columns 1-3.

granted citizenship; they simply drop out of the system.

For a better view of what really happens to cases within the INS system, we turn to the INS management information system for the first six months of FY'85 in which we find the following dispositions of naturalization cases:

Disposition	Numbers	Percentages
Approvals	172,667	71.9%
Denials	6,801	2.8%
Non-filed	31,665	13.2%
Returned	<u>29,060</u>	<u>12.1%</u>
Totals	240,193	100.0% <sup>10</sup>

Thus about one quarter of the applicants whose cases were closed by INS were neither granted nor formally denied citizenship; they were, in effect, told to try again. In addition, a substantial number of applicants were put on hold; their cases were not closed, but were continued for action in the future.

Why applicants are told to try later by clerks (returns) or by officers (non-files) was discussed earlier. What is not known is what happens to these applicants subsequently. Every month 10,000 would-be citizens are sent away from INS offices, presumably for good reasons that largely can be resolved favorably in the future (the applicant will bring in the needed document, will wait until residency requirements are met, or will study either the language or the government). How many of the return cases return? How many of the non-files come back to file? We know that many of them do come back and try again, but it would be useful to know more about this population.

What we do know from INS workload data is the geographical distribution of the denials, the returns and the non-files. (For sake of simplicity we have combined the last two actions under the term "non-approvals" in Exhibit 13.) The distribution is very uneven with the ranges of variation, among offices, as follows:

Approvals:	high - San Juan 87.4%
	low - Harlingen 44.1%
Denials:	high - Hartford 11.5%
	low - Newark 0%
Non-approvals	high - Harlingen 53.5%
	low - San Juan 11.0%

Further, while there are usually about as many non-files as returns, Detroit had six times as many returns as non-files (1,973 vs. 350.)

To an unknown extent, three variables seem to be at work here. These are the application-processing techniques of the different offices, population characteristics, and examination standards. It is well-known within the INS that the San Antonio district office, for example, has a more-rigorous-than-average examination standard, which probably accounts for its high non-approval rate, 52.8%, almost as high as the nearby Harlingen office.

Offices with one-stop processes, such as Baltimore and Detroit, seem to have high non-approval rates, and in the case of Detroit, a high rate of returns. This may, in some part, relate to the fact that some applicants in those offices are examined immediately after their first contact with the Service,

<sup>10</sup>. The terms used were defined in the previous chapter. The source of the data is the INS management reporting system, the G-23.3 for October, 1984 - March, 1985.

**EXHIBIT 13****Disposition of Naturalization Applications by INS District  
For the First Half of FY85**

District	Completions (number)	Approvals (%)	Denials (%)	Non-Approvals (%)
Service-wide	240,195	71.8	2.8	25.3
Anchorage	491	88.4	0.2	11.4
Atlanta	5,480	64.8	0.9	34.3
Baltimore	6,928	53.0	0.1	46.9
Boston	6,248	71.3	0.3	28.4
Buffalo	2,724	77.7	1.0	21.3
Chicago	14,114	58.4	5.4	36.1
Cleveland	2,913	58.4	1.7	28.2
Dallas	5,208	74.1	5.0	20.9
Denver	2,660	80.7	3.2	16.1
Detroit	5,293	53.2	2.9	43.9
El Paso	2,930	67.4	5.1	27.5
Harlingen	2,930	67.4	2.3	53.5
Hartford	3,779	44.1	11.5	18.4
Helena	2,819	70.1	3.5	15.3
Honolulu	228	81.1	6.1	20.0
Houston	5,262	73.9	2.7	11.4
Kansas City	4,317	85.9	5.5	23.9
Los Angeles	1,894	70.6	0.3	19.8
Miami	29,097	79.9	8.2	17.8
Newark	10,917	74.0	0	25.4
New Orleans	14,585	74.6	6.8	29.4
New York	5,240	63.7	4.2	12.1
Omaha	40,871	83.5	3.9	20.6
Philadelphia	1,006	75.5	6.9	27.6
Phoenix	5,744	65.4	4.1	20.6
Portland, Me.	1,866	75.2	1.1	20.2
Portland, Ore.	352	78.7	0.3	22.3
St. Paul	1,502	77.3	3.7	29.7
San Antonio	1,695	66.5	0.7	52.8
San Diego	5,077	46.4	0.6	12.6
San Francisco	4,118	86.7	1.4	32.1
San Juan	29,471	66.5	1.5	11.0
Seattle	1,290	87.4	0.5	39.9
Washington, D.C.	4,097	59.5	1.1	43.8
	5,936	55.1		

Note: Completions consist of approvals, denials, non-files and returns; non-approvals are the sum of the last two categories.

Source: calculated from the INS management information system, Form G-23.2 (Rev. 10-1-84) for the period Oct. 1984 through March 1985.

without any chance to study for the examination.<sup>11</sup>

Denial and non-approval rates have been known to vary inversely with mass naturalization recruitment drives. The recruiting efforts in Miami, just before the 1984 election, for example, were staffed to some large part by partisan workers whose enthusiasm often exceeded their knowledge of the naturalization law; as a result many unqualified persons were encouraged to apply, and as a further result Miami's denial rate increased. (For the period covered by Exhibit 13, it was 8.2%, about three times the national average.)

Many of the causes of these variations in outcomes are simply not known. It puzzles us, for example, why the denial rates are so drastically different in Newark and Hartford, two cities near New York which must have roughly comparable populations. The data underline our early observations on the large degree of decentralization in the INS system.

#### **D. The New Citizens: A Group Portrait**

While the total number of newly naturalized citizens has increased in recent years, in many ways the group portrait has remained fairly consistent.<sup>12</sup> As Exhibit 14 indicates, a majority of the new citizens, like the majority of immigrants to the U.S., are women and the percentage (52 to 55%) has changed little over the years. The median age of the newly-naturalized, the mid-thirties, has changed little as well. Although on average there are eight years between immigrants' arrival and their naturalization, the average cohort of new citizens has been some 10 or 11 years older than the average cohort of arriving immigrants, suggesting that those among the eligibles who do naturalize are older, on average, than those who do not.

While the passage of time has not changed the basic demographics of the naturalization cohorts, the variable of country of origin is an extremely important one. Some nations produce migrants who are much more interested in U.S. citizenship than others, as Exhibit 15 indicates. Although this study does not deal with the fascinating question of what motivates persons to become citizens, it is clear from INS operating statistics that former residents of Communist nations (e.g. Hungary and Cuba) are more likely to become citizens than immigrants as a group. Similarly, people from Asia are much more likely to become citizens, while people from neighboring Canada and Mexico are unlikely to become citizens. Further, Exhibit 16 shows that the rate at which immigrants from Mexico have become citizens, although low compared to rates from other nations, has increased a bit in recent years.

#### **E. Keeping Track of the Results of the Program**

It is ironic that INS, which is not a research-oriented agency, appears to produce better demographic data on the newly naturalized citizens than management data on its own procedures. The management information system used by INS is termed the G-22 series. A recent Service-wide tabulation of naturalization activities is shown in Exhibit 17, in which such elements as applications filed, approved and denied are recorded. These data are collected initially (and manually) at the local

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<sup>11</sup> It is not beyond the realm of possibility that the variations in return and non-file rates may be related to different definitions of these essentially similar actions in the various offices.

<sup>12</sup> For far more comprehensive studies on the characteristics of the newly-naturalized see: Alejandro Portes and Rafael Mozo "Naturalization, Registration and Voting Patterns of Cubans and Other Ethnic Minorities: A Preliminary Analysis" a paper prepared for the Conference on Citizenship and the Hispanic Community, National Association of Latino Elected and Appointed Officials, Washington, D.C., May 5, 1984, and Guillermina Jasso and Mark R. Rosenzweig, "U.S. Immigration Law and Immigrant Behavior: Preliminary Findings from a Longitudinal Analysis" a paper presented at the annual meetings of the Population Association of America, Pittsburgh, Pa., April, 1983. For a useful study of why women constitute the majority of immigrants to the U.S. see Marion F. Houstoun, Roger G. Kramer and Joan Mackin Barrett "Female Predominance of Immigration to the United States: A First Look" *International Migration Review*, Vol. XVIII, No. 4, Winter, 1984.

## EXHIBIT 14

### Comparison of the Percent Female and Median Age of the Immigrant Population and the Corresponding Newly Naturalized Population Eight Years Later

Years of Immigration/ Naturalization	Immigrants		New Citizens		Difference*	
	Female %	Median Age	Female %	Median Age	Female %	Median Age
1973-1981	53.4	24.0	54.6	35.3	+1.2	+11.3
1972-1980	53.3	24.4	55.3	35.1	+2.0	+10.7
1971-1979	53.4	24.3	54.5	34.7	+1.1	+10.4
1970-1978	52.6	24.3	54.6	35.3	+2.0	+11.0
1969-1977	53.9	24.7	54.1	35.4	+0.2	+10.7
1968-1976	56.1	25.9	53.7	33.2	-2.4	+ 7.3
1967-1975	56.3	24.9	53.0	33.9	-3.3	+ 9.0
1966-1974	56.2	23.5	53.8	34.1	-2.4	+10.6
1965-1973	57.1	23.2	52.9	34.4	-4.2	+11.2
1964-1972	56.8	23.4	52.3	34.4	-4.5	+11.0
1963-1971	54.5	23.7	52.8	33.9	-1.7	+10.2
1962-1970	53.6	25.2	52.3	34.1	-1.3	+ 8.9
1961-1969	55.3	25.0	54.2	33.2	-1.1	+ 8.2
Averages	54.9	24.3	53.7	34.4	-1.2	+ 9.9

\* A positive sign indicates an increase between the immigrant cohort and the naturalized cohort; a negative sign indicates a decrease. Thus naturalized cohorts are, on average, about ten years older and have a slightly lower percentage of women than the arriving immigrant cohorts of eight years earlier. (NALEO calculated from INS data that the median number of years between immigration to the U.S. and naturalization is eight.)

*Note:* While a majority of all those naturalized are female, a majority of Mexican Nationals who become naturalized are male.

*Source:* *Statistical Yearbooks of the Immigration and Naturalization Service, 1961-1981*, Tables 10A and 41A.



## EXHIBIT 15

### Immigration/Naturalization Ratios for All Nations And Selected Nations in Ten Recent Years

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<b>Nation or Nations</b>	<b>Immigration (1965-1974) (1)</b>	<b>Naturalization (1973-1982)* (2)</b>	<b>Naturalization as % of Immigration (3)</b>
<b>Groups of Nations</b>			
All Nations	3,718,149	1,415,722	38.1%
Asia	832,453	566,553	68.1%
Central America	89,280	35,524	39.8%
Europe	1,106,596	439,179	39.7%
South America	223,893	86,315	38.5%
Hispanic Nations	1,271,123	358,991	28.2%
<b>Specific Nations</b>			
Philippines	210,629	158,285	75.2%
China/Taiwan	146,914	95,223	64.8%
Hungary	17,042	10,799	63.4%
India	85,580	49,265	57.6%
Cuba	284,565	149,966	52.0%
United Kingdom	173,735	83,756	48.0%
Chile	10,862	5,032	46.3%
Argentina	31,743	13,390	42.2%
Colombia	68,878	23,118	33.6%
Dominican Republic	121,233	27,826	22.9%
Canada	190,684	34,350	18.0%
Mexico	514,028	75,414	14.7%

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\*1976 Transitional Quarter not included.

Sources: for column 1: 1974 Annual Report: Immigration and Naturalization Service, Table 14. For column 2: 1980 and 1983 Statistical Yearbooks of the Immigration and Naturalization Service, Table 22, 1980 and Table NAT 1.3, 1983. Column 3 are NALEO calculations based on columns 1 and 2.

## EXHIBIT 16

### Immigration/Naturalization Ratios for Mexican Nationals In the U.S.: A Comparison Over Several Decades

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Immigration		Naturalization		Naturalization as % of Immigration
Decade	Numbers	Decade	Numbers	
1952-61	354,572	1960-69	60,067	16.90%
1953-62	400,263	1961-70	60,349	15.07%
1954-63	437,062	1962-71	58,305	13.30%
1955-64	437,573	1963-72	56,950	13.01%
1956-65	419,770	1964-73	57,172	13.60%
1957-66	399,886	1965-74	57,165	14.30%
1958-67	393,103	1966-75	57,866	14.70%
1959-68	409,954	1967-76	57,791	14.09%
1960-69	431,516	1968-77	58,048	13.45%
1961-70	443,301	1969-78	60,576	13.66%
1962-71	451,774	1970-79	63,511	14.05%
1963-72	458,523	1971-80	66,657	14.53%
1964-73	473,411	1972-81	69,841	14.75%
1965-74	512,030	1973-82	75,414	14.72%
1966-75	545,647	1974-83	82,501	15.11%

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*Note:* The average number of persons admitted as immigrants in one ten-year period is compared to the average number of those naturalized in another ten-year period, lagged by eight years; it is done this way because this is the median amount of time between immigration and naturalization for all immigrants.

*Source:* NALEO calculations from *Annual Reports of the Immigration and Naturalization Service, 1961-1981*. Tables 14 and 22.

# EXHIBIT 17

A Sample from the INS Management Information System (G-22.3)

REGION-SERVICEWIDE		NATURALIZATIONS SUMMARY REPORT									
		PENDING RECEIVED WORK RELOCATED					REPORTING PERIOD: JUN1985				
		PENDING		COMPLETED			PENDING		PENDING		
WORKLOAD SUMMARY EXAMINATIONS ADJUDICATIONS	BEG MONTH (A)	RECEIVED (C)	SENT (D)	APPROVED (E)	DENIED (F)	RETURNED (G)	NON-FILED (H)	OFFICER (I)	CLERICAL (J)	OFFICER (K)	CLERICAL (L)
180. TOTAL NATURALIZATION	203713	37095	463	34397	755	4703	3415	195271	25600	40226	
181. APPL. TO FILE PET. FOR NATZ/BE	147507	3045	316	30538	540	3717	3059	139106	21374	31172	
182. APPL. FOR CERT. OF CITIZENSHIP	15090	18	26	1678	10	83	34	15188	4379	921	
183. APPL. TO PRESERVE RESIDENCE FOR NATZ	26039	5	45	1404	80	268	87	26688	572	827	
184. APPL. FOR NEW NATZ OR CITZ. C	9224	12	13	504	2	154	0	9278	319	866	
185. APPL. FOR TRANSFER OF PETITION	486	0	30	20	0	11	1	48	5	40	
COURT ACTION	0	0	0	0	0	0	0	0	0	0	
186. PETITION FOR NATURALIZATION N	118316	29230	88	26481	180	3	0	121035	1570	3922	
187. PETITION FOR NATURALIZATION/BE	2423	620	3	633	11	0	0	2403	33	237	
188. SUPERVISORY NATZ. HOURS	0	0	0	0	0	0	0	0	0	0	
189. NATZ. TRAINING HOURS	0	0	0	0	0	0	0	0	0	0	
190. NATZ. TRAINING HOURS	0	0	0	0	0	0	0	0	0	0	
191. TOTAL ON-DUTY NATZ. HOURS (EXCL	0	0	0	0	0	0	0	0	0	0	
192. TOTAL COLLATERAL ADJ./NATZ. HO	0	0	0	0	0	0	0	0	0	0	
193. TOTAL LEAVE ADJ./NATZ. HOURS	0	0	0	0	0	0	0	0	0	0	
194. TOTAL ON-DUTY ADJ./NATZ. HOURS	0	0	0	0	0	0	0	0	0	0	
195. GRAND TOTAL ADJ./NATZ. HOURS	0	0	0	0	0	0	0	0	0	0	
200. TOTAL ON-DUTY ADJ./NATZ. HOURS	0	0	0	0	0	0	0	0	0	0	
201. GRAND TOTAL ADJ./NATZ. HOURS	0	0	0	0	0	0	0	0	0	0	
202.	0	0	0	0	0	0	0	0	0	0	
203.	0	0	0	0	0	0	0	0	0	0	
204.	0	0	0	0	0	0	0	0	0	0	
205.	0	0	0	0	0	0	0	0	0	0	
206.	0	0	0	0	0	0	0	0	0	0	
207.	0	0	0	0	0	0	0	0	0	0	

office level and then sent to the Central Office where, until a couple of years ago, they were hand tabulated with the results entered by pen. More recently, the data are collected manually in the field and then sent to the Central Office, where they are fed into a computer.

The basic system is an old one, perhaps 40 years old, and although modified from time to time, the program was designed for Service-wide use, and not for the specific needs of the naturalization managers. The objective is to record how many cases one had at the start of the month, how many new ones appeared, what happened to those closed, and how many were pending at the end of the month. More precisely, the formula used, keyed to the columns in Exhibit 17, is as follows:

$$A + B + C - D - E - F - G - H = I$$

with A being the caseload at the start of the month, and I at the end of the month. Ideally, the I for a given month is the A for the start of the following month, and ideally the I matches the physical count of pending cases, an inventory tallied by INS once a year, usually in August. One worries about such a system when the pending at the end of one month is 12,000 different from the pending at the beginning of the following month, which occurred in Service-wide data at one point in 1985. Similarly, a district director in one of the largest INS offices complained that the G-22 system showed that his office had about 10% more pending cases than the hard count taken in that office.<sup>18</sup>

There are other more basic problems. Although we discussed the G-22 system with a number of knowledgeable, responsible officials and statisticians, we rarely encountered precisely parallel definitions of the concepts measured. Further, there are no distinctions made about the status of the pending cases; they could be waiting for the preliminary examination, waiting for a second examination, waiting for the applicant to do something, such as file additional information, or waiting for INS to do something, like make a difficult decision. Finally, the system provides no information on the amount of time it takes to move from one step to the other in the process. The two basic questions facing the applicants — how long between filing and preliminary interview, and how long from the interview to the ceremony, are simply not addressed.

While it is progress to have the system computerized at the Central Office level, much more needs to be done to make the reporting system really useful as a management tool.

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<sup>18</sup> One also worries when managers maintain their own pencilled statistics because they do not trust what the computer is telling them; that was encountered as well.

## CHAPTER FIVE

# THE CANADIAN NATURALIZATION PROGRAM

Since Canada is even more of a nation of immigrants than the United States (there is a country with one-ninth the population of the U.S. and they accept roughly a third as many immigrants as we do), and since they handle a number of public-sector matters well, we decided it would be helpful to spend a few days in Canada looking at their naturalization program. It turns out that both countries have something to learn from the other in this connection.

**A. The Canadian Approach.** Canada's approach to naturalization is more positive and less neutral than that of the United States:

- Canada actively promotes naturalization
- Canada spends about twice as much per new citizen as the U.S.
- Canada's residency requirement is three, not five, years
- Canada's fees are lower than those of the U.S., about US \$30 compared to US \$50

While in Canada provinces have more power than states in the U.S., naturalization is a responsibility of the national government there as it is here. In keeping with other aspects of the national government, naturalization is a profoundly bilingual program with all documents and all ceremonies being in both English and French. (That very few immigrants to Canada speak French is beside the point.)

The Canadians, unlike the Australians, Americans, and British have housed their naturalization program in an agency that does not handle immigration matters. The cabinet officer in charge is the Secretary of State, who is not to be confused with the Secretary of State for External Affairs, Canada's foreign minister. The Department of the Secretary of State handles a variety of domestic functions, such as the official language policy, and the encouragement of multiculturalism, which is Canada's approach to ethnic harmony. The assignment of the program to that agency is in keeping with its policy of promoting naturalization.

**B. How the Canadian Program Works.** The Canadian naturalization program is partially centralized and largely decentralized. Central management works in an office in Hull, Quebec, just across the river from Ottawa; a central repository of citizenship information, and a central document-manufacturing facility are located in Sydney, Nova Scotia (as INS green cards are now manufactured in Houston). Would-be citizens are served in 29 citizenship courts (local offices) spread throughout the 10 provinces.

An applicant for citizenship can secure information about the program and the needed applications at each of the courts. Filing the application is a more formal process than in the States, involving an interview with a citizenship officer. During this interview, the officer checks over the application, essentially performing what an INS examiner does in the first segment of the preliminary hearing. The officer may not refuse to accept an application under any circumstances, but the officer may, and often does, counsel the applicant not to file it if the residence requirements are not met, or if the applicant clearly needs to spend more time on his English or French. (The applicant chooses the language for the interview.)

If the application appears to be acceptable, the applicant is asked to pay the fee (\$40 Canadian), and the paperwork part of the operation begins. The Canadian application is a three-level sandwich with carbon paper in between. One part stays with the local court, another goes off the Royal Canadian Mounted Police (RCMP), and a third to the facility in Sydney. Two photographs are collected from the applicant, but no fingerprints.

The RCMP, using the information on the application, checks with its computers to see if there is

a criminal record. Since it is not working with fingerprints, the RCMP system relies on a match test. If a certain number of the data fields on the applicant match someone with a criminal record then RCMP becomes interested even if the name does not match. In those cases applicants are asked to provide fingerprints for a positive identification. As in the States, most applicants do not have criminal records, but unlike the comparable situation in the States, the RCMP generally concludes its work within three weeks and dispatches a written report to Sydney.

Meanwhile, and less quickly, the fairly new Sydney facility is checking its own collection of citizenship and immigration records, which date back to 1854. If all goes well in all of these background checks, Sydney uses one of the two photographs to produce a citizen card, which is regarded as an identity document. Sydney also produces a citizenship certificate, about the size of this page, which is not used for identification. (See Exhibit 18.) These documents are then sent back to the citizenship court for the next step in the operation.

With the completed documents in hand, the local court asks the applicant to appear before a citizenship judge for an interview. The judge, who has an attractive office, interviews the applicant, or all of the members of the family applying. The judge asks questions to determine if the applicant has sufficient command of the selected language and enough knowledge of the country to qualify. The Canadian system pushes harder than the American one to obtain decisions, as opposed to deferments. The judge decides one way or the other; appeals to the regular system of courts are possible but rare.

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At this point the visitor has noticed a couple of anomalies; one is the manufacture of the card and the certificate *before* the crucial interview. A small percentage of the applicants either do not show up for their interviews or are denied and their documents have to be destroyed. And then, there is the role and the method of appointment of the citizenship judges. In a nation where patronage appointments are much more rare than in the U.S., the 33 citizenship judges are selected by the party in power. They serve fixed terms, of two or three years, and at the end of the term they are likely to be replaced if the government has changed. The judges are rarely lawyers. They are often immigrants or of the second-generation, and they are always faithful party workers, often unsuccessful candidates for the national or provincial parliaments.

The judges have a short training course in their work and then handle a full caseload of applicants, concluding each day with a difficult case where complex residency or immigration questions must be decided. They are housed in the same courts with the citizenship officers and work out their schedules with the managers of these courts, who are civil servants. The judges are not accountable to the local managers but the system appears to work reasonably well most of the time. On the morning my plane left Canada, however, the following story appeared in Toronto's *Globe and Mail*:

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**"Probe of judge urged  
ASPIRING CANADIANS ALLEGEDLY BERATED**

OTTAWA (CP) — New Democratic Party MP Ian Deans has asked Minister of State for Immigration Walter McLean to investigate the conduct of a Conservative-appointed citizenship judge who allegedly berated applicants for Citizenship after they admitted having connections with the NDP.<sup>1</sup>

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<sup>1</sup>. September 13, 1985, page 12.

**EXHIBIT 18**

**The Canadian Citizenship Certificate**

**Commemoration  
of Canadian  
Citizenship**



**Commémoration  
de Citoyenneté  
Canadienne**



The person named herein and  
bearing Certificate number

La personne dont le nom figure sur le présent document  
titulaire du Certificat numéro

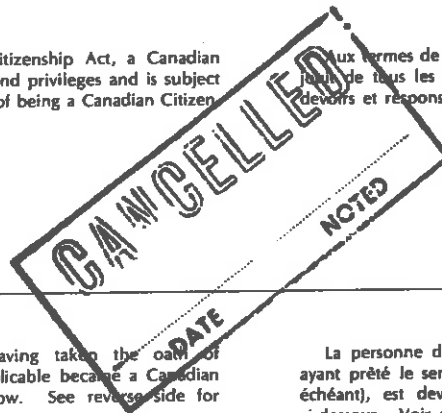
**3662624**

is a Canadian citizen.

est citoyen canadien.

Under the provisions of the Citizenship Act, a Canadian Citizen is entitled to all the rights and privileges and is subject to all the duties and responsibilities of being a Canadian Citizen

Aux termes de la Loi sur la citoyenneté, un citoyen canadien jouit de tous les droits et privilèges et est assujéti à tous les devoirs et responsabilités d'être un citoyen canadien.



The person named herein, having taken the oath of citizenship or allegiance where applicable became a Canadian citizen on the date indicated below. See reverse side for use of this document.

La personne dont le nom figure sur le présent document, ayant prêté le serment de citoyenneté ou d'allégeance (le cas échéant), est devenue citoyen canadien à la date indiquée ci-dessous. Voir au verso concernant l'usage de ce document.

Date \_\_\_\_\_

It should be noted that McLean had, until a few days earlier, been the Secretary of State, and it was in that connection that he was queried on the floor of the House. Further, the applicants had voted in a provincial or local election for the NDP — one need not be a citizen to vote in some local elections in Canada.

The basic point is that the politically appointed judges sometimes get themselves, and the naturalization program, in a kind of trouble unknown South of the Border.

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Returning to the normal flow of the naturalization process, the applicant must prove to the judge that he<sup>2</sup> has sufficient knowledge of the language and of Canadian government and geography. There is no demand in Canada for an ability to write the language, just to speak and understand it. In the handful of interviews I witnessed in Canada, the level of knowledge required by the judges appeared to be roughly equal to what I had seen in the States, i.e. not overly demanding. The Canadians, living in a large, scattered country, asked more questions about geography than the Americans. "Name a province in the West...name one in the East..."

If the interview goes well, and more than 95% do, the applicant is subsequently invited to the citizenship ceremony. These are longer events and more personal ones than those I have seen in the States. In Toronto they hold two of them a day, four days a week, each with about 125 applicants present, thereby handling 1,000 new citizens a week.

The ceremonies I witnessed proceeded as follows. The clerk of the court (a citizenship officer assigned this ceremonial and logistical duty for the week) appears before the applicants at these sessions wearing a black robe, a black vest and either dark slacks or, if a woman, a dark skirt. The clerk also has a legal collar (much like what one wears with white tie and tails). The clerk brings the group to order and describes what is going to happen to them. Then, a member of the RCMP with a formal red jacket and the traditional stiff-brimmed hat appears and tells all to rise for the judge. The judge wears a more elaborate version of the clerk's garb, with a couple of broad purple ribbons.<sup>3</sup>

The ceremony starts with the singing of "God Save the Queen." Since some do not know the words a brightly printed set of the lyrics is distributed and a tape-recorded rendition is played to support the voices of the applicants. (The clerk discretely switches the tapeplayer on as the song begins.) The judge gives brief speeches in English and in French and then swears in the new citizens in groups of four or five. After they are sworn, they move to the back of the room where they sign the oath and are given their certificates and cards. The ceremony closes with the singing of "Oh Canada", also tape-supported. Often, but not always, an organization has been recruited to serve coffee and cookies to the new citizens. A Jamaican group did it for one of the two ceremonies I witnessed.

The Canadians have retained the British flair for pageantry; the ceremonies I saw were most impressive.

**C. Promoting Naturalization.** The citizenship courts actively promote naturalization. Citizenship officers and judges make speeches to immigrant groups about the program. Arrangements are made with educational institutions to provide instruction in one of the two national languages and in the history, geography, and government of Canada. Sometimes special ceremonies are arranged in locations convenient to a particular target population. In the Toronto area there are special storefront suboffices where naturalization information is dispensed and applications are accepted. One such

<sup>2</sup> A majority of Canada's new citizens are males.

<sup>3</sup> The judge's regalia costs about \$900 (Canadian) and the cost is borne by the judge, not the Government.



office is a few miles from the main citizenship court in Toronto; and that place is conveniently located next to a subway stop. "Why put another office so close to the main one?" I asked.

"Some people are reluctant to enter big, formal government buildings," I was told. "They find our modest office less threatening and are willing to ask questions, get applications and file them. The interviews with the judges, however, are conducted in the main office."

While I was in Toronto, the local court was involved, among other things, in putting on a citizenship program for a couple of hundred Portugese farmworkers who worked for a major vegetable grower some distance from the city. The grower had agreed to pay his workers for part of the time they spent in English classes, on the farm, and the court had dispatched a Portugese-speaking judge to an evening meeting, where he described the naturalization system. The court had persuaded the local school authorities to conduct the citizenship and language classes.

The naturalization program produces a wide variety of printed material to help promote citizenship and to help applicants learn about Canada. All of this material, in contrast to the American citizenship textbooks, are distributed directly to applicants. There are, for example, half a dozen brochures, all printed in bright colors and well-illustrated, written in clear, easy-to-understand English, and presumably in comparable French. (See Exhibit 19) The brochures are designed so that they are in English one way, and if flipped over, French the other way. Exhibit 20 shows the cover of a handsome map of Canada, which measures 24 by 32 inches and provides both geographic and historical data. Exhibit 21 is from a 48-page booklet (half in each language) entitled "The Canadian Citizen." It is a simply-written text about the nation and its government; judges are supposed to confine their questions to topics covered by the book. There is no comparable document issued by INS, and no comparable outer limit to the questions that INS examiners can ask.

**D. Results of the Canadian Program.** In numerical terms, a higher proportion of the foreign-born eligible for citizenship are citizens in Canada than in the U.S.; the Canadian system, in recent years, has produced about three-quarters as many naturalizations as the American system; and the Canadian program probably rejects fewer applicants than the American system does.

We estimated that about 63% of the foreign-born in the United States who were eligible to become citizens had done so at the time of the 1980 Census.<sup>4</sup> In contrast, the Canadian Government estimates that 75% of its eligible foreign-born had become citizens at the time for their 1981 census. In addition, and not reflected in these figures, Canada has a higher proportion of its foreign-born eligible for citizenship because of its lower residency requirement.

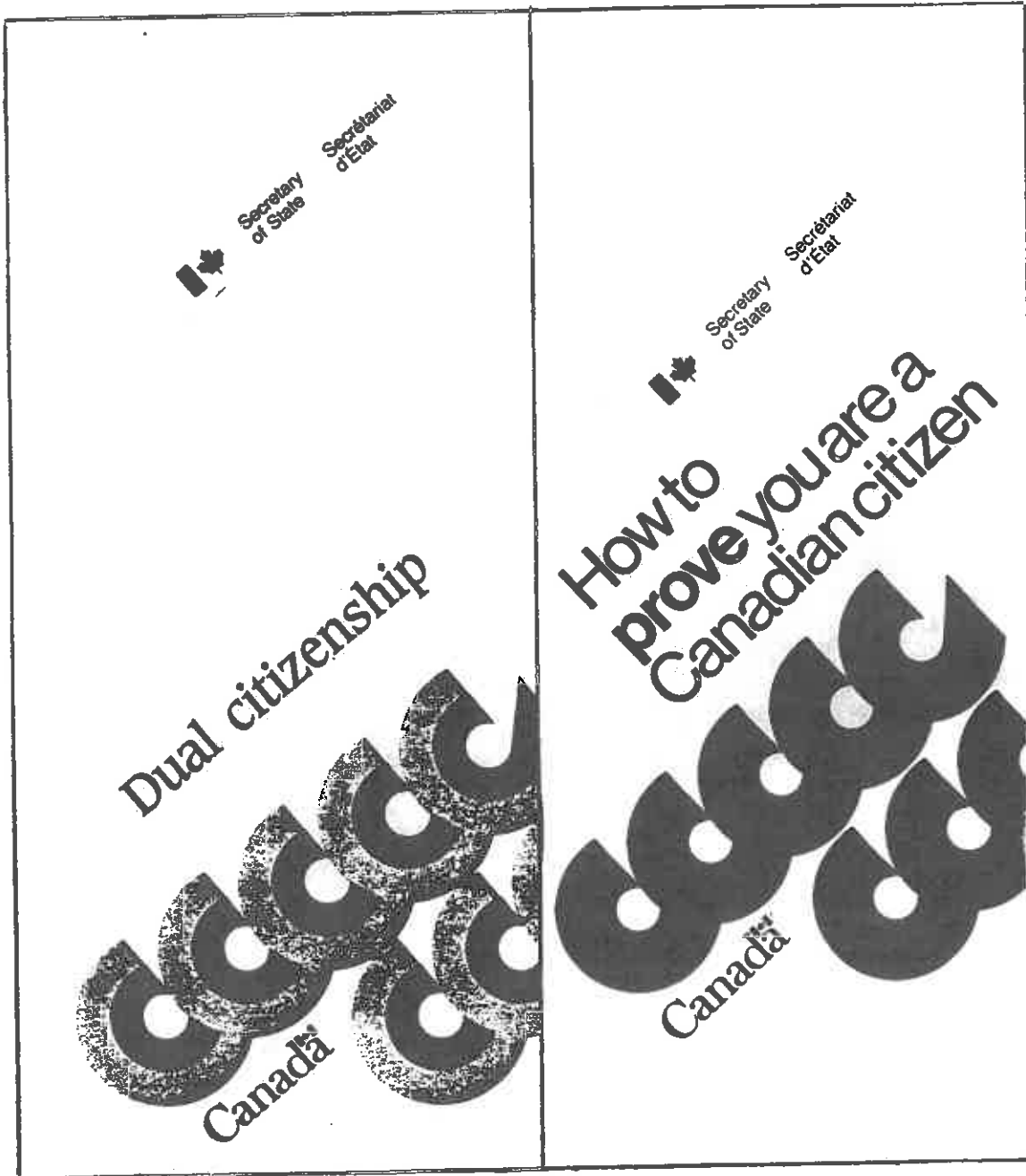
Canada's system is producing about three-quarters as many naturalizations as the American system as the following totals show:

Year	United States	Canada
1983	178,948	90,328
1982	173,688	87,468
1981	166,317	94,457
1980	157,938	118,590
1979	164,150	156,699
1978	173,535	223,214
1977	169,873	123,655
1976	<u>142,504</u>	<u>117,276</u>
Totals	1,326,953	1,011,687

<sup>4</sup>. While we have seen no estimates on this point in U.S. Government documents, the comparable Canadian estimate comes from the Canadian Census.

**EXHIBIT 19**

**Canadian Citizenship Brochures**



**EXHIBIT 20**

**Map of Canada Given to Canadian Citizenship Applicants**

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**A look  
at Canada**

## EXHIBIT 21

Page from Canadian Citizenship Textbook

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# Canada's Form of Government

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Canada has developed a special form of government

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Over the years Canada has taken ideas from many places to develop its own special form of government. The following pages describe our government.

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## Canada's Head of State

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*Canada's Head of State is Queen Elizabeth II, the Queen of Canada. She is also the Queen of the United Kingdom, and Head of the Commonwealth. When she is in Canada, the Queen performs duties of the Head of State. At other times, those duties are performed by her representatives, the Governor General and the Lieutenant-Governors.*

The *Governor General* represents the Queen as Head of State. The *Governor General*:

- performs the ceremonial duties of a Head of State
- signs bills to make them law after they have been passed by Parliament
- usually invites the leader of the party with the most seats in the House of Commons following an election to form the government of Canada.

The *Lieutenant-Governors* perform similar duties in each province. The *Lieutenant-Governors*:

- sign provincial bills to make them laws
- usually invite the leader of the party with the most seats following an election to form the provincial government.

The *Commissioners* perform similar duties in the Yukon and the Northwest Territories.



During these eight years, the Canadians averaged 126,461 naturalizations a year, while the U.S. produced 165,869 a year; this ratio is somewhat surprising when one recalls that there are about nine Americans for every Canadian. There are several reasons for these ratios. First, as noted earlier, Canada accepts more immigrants relative to its total population than does the U.S.; in the period 1971-1980, for example, Canada accepted 1,440,321 immigrants while the U.S. took in 4,493,314 of them.<sup>5</sup> Second, a higher proportion of the foreign-born are eligible for citizenship in Canada than the U.S. Third, Canada's system not only promotes naturalization, it also appears to make grants to a higher percentage of its applicants.

Unfortunately, on the last point, it must be noted that the two nations' record-keeping systems do not produce comparable data. Whereas the U.S. system records applications returned by clerks and those withdrawn (non-files) following the preliminary examination, such occurrences are non-events in the Canadian recording system which begins *after* the applicant has been interviewed by a citizenship officer. Once applications are filed, however, only 3% are denied, and the initial default rate (non-appearance at the appointment with the judge) is only 9%.<sup>6</sup> One could sum these to 12% and compare it to the non-approval rate we worked out for INS of about 28%, although this probably overstates the difference between the two systems.

Although the Canadian management information system, the Pulse Report, does not cover the non-filing of applications, it is a remarkably useful system producing much more data than the American system. (A sample page from the three-page report for July, 1985 is shown in Exhibit 22). This is a new MIS and was designed quite specifically for the Canadian naturalization program, while the current INS system was designed a long time ago, and covers a multitude of programs.

The Pulse Report shows the number of hearings conducted, for example, in the current month, in the prior month, and in the month before that, and then compares these data with the agency's projections. More significantly, as shown in the Exhibit, it calculates a number of throughput times which must be valuable to program managers. The most important one shows "weeks between receipt of grant application in Court [i.e. local office] and certificate presentation." In July 1985 48% of the applicants were receiving their citizenship between 21 and 30 weeks after they applied. One can derive a median processing period of 28 weeks from these data.

The throughput times data of the Pulse Report are obtained from a sample of data within the Canadian computerized system. Data are available for each court as well as nationwide.

**E. Similarities and Differences.** Because there are such fundamental similarities between the two nations, it is possible for both to learn from the differences between the two naturalization operations.

Both nations are democracies, both have welcoming attitudes toward immigrants, and both feel it important that immigrants become citizens (though Canada stresses this more firmly). More narrowly, in the specifics of naturalization policy both require legal immigrant status, a period of residence, knowledge of the country and its government, and some command of an official language. Both nations check applicants for citizenship against their criminal record system, and both are loathe to engage in denaturalization proceedings.

Further, when all is said and done, the processing time between first application and ceremony,

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<sup>5</sup> Data from *1982 Immigration Statistics Canada*, Minister of Supply and Services, Ottawa, Table 2 and from *1983 Statistical Yearbook of the Immigration and Naturalization Service*, U.S. Department of Justice, Washington, D.C., Table Imm.1.1.

<sup>6</sup> About half of the 9% who default return later and become citizens. The data used in the text are nationwide and are for the first four months of the Canadian FY'85, which began on April 1. They are taken from the Citizenship Registration and Promotion, M.I.S.: Pulse Report.

is now not dramatically different, 6.5 months in Canada and probably about eleven months in the United States. Finally, both systems have had their share of institutional shocks in recent years. In the U.S. it was the replacement of the entire professional staff, the lawyers, in 1983. In Canada it was the reduction in the residence requirement, from five years to three, which created a one-time rush on the system in 1978, a year in which nearly a quarter of a million applications were approved. A more recent shock to the Canadian system came in 1984, when a new computerization program was introduced and when the central files and the central document manufacturing facility were removed from headquarters and dispatched to distant Sydney.<sup>7</sup>

Assuming that citizenship for immigrants is a good thing, and that the process should be both friendly and careful, it strikes us that each of the nations might study some elements in the other's system.

The most obvious advantage of the Canadian system is that it is well-funded. A visitor immediately senses this basic difference; the offices are pleasant, but not opulent; the lines are not long; the printed material is brighter and more abundant than in the U.S.. The predominant color is not gray.

Since the naturalization process is no longer a line item in the U.S. budget a direct, dollars-and-cents comparison is not possible, but two other comparisons make the point — size of staff and hours per approval. The Canadian staff consists of 46 people in Hull, 120 or so in Sydney, and 200 in the field, for a total of 366. Our estimate of the number of full-time equivalent staff for naturalization in the U.S., for FY 84, is only slightly higher, 397. (There were 753,474 productive naturalization hours recorded on line 197 of the G-22.3 reporting system; assuming 2080 compensated hours each year, and an average of 180 hours of annual and sick leave, for a net of 1900, productive hours per worker per year, we divided the total hours by 1900, producing the 397.) Another measure is staff hours per naturalization. For FY 84, our estimates are 6.8 hours in Canada and 3.3 hours in the U.S. These two sets of numbers suggest that Canada is spending almost twice as much per work unit on naturalization as the United States.<sup>8</sup>

A significant part of the difference can be attributed to the amount of time and energy spent on promotion; minor parts can be traced to the greater dispersion of the Canadian population which makes all Canadian programs more expensive per capita than comparable U.S. programs, and to the production of two, not one, citizenship documents. But even after taking these factors into account, it is clear that Canada is willing to spend more money on processing naturalization claims than the United States.

Although the citizenship judges who preside at the ceremonies are not members of the naturalization staff, Canada has, in effect, an all-administrative system for conducting its program. The ceremonies, at least in Ottawa and Toronto, are conducted in space controlled by the naturalization program, and scheduled without negotiations with other agencies.

The naturalization offices I saw in Canada were spacious and cheerful. Attractive posters of Canadian scenery adorned the walls, as did numerous portraits of the Queen.

The advantages of the Canadian management information system and publications programs have been described earlier.

In addition, Canada has made three policy decisions that are more encouraging to naturaliza-

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<sup>7</sup> There was an element of politics in this as well. A very senior member of the Cabinet then held a seat in Nova Scotia, a perennially depressed part of the nation, and he succeeded in moving the facility, and some 120 jobs, from Hull to a nearby district on Cape Breton Island.

<sup>8</sup> For ease of computation we ignored a variety of other chores handled by the naturalization agencies, such as creating documentation for citizens by derivation. There appears to be more Canadian than American activity along these lines suggesting an overstatement of the 6.8 hours to 3.3 hours comparison.

# EXHIBIT 22

## A Sample from the Canadian Management Information System

### CITIZENSHIP REGISTRATION & PROMOTION, M.I.S.: SUMMARY PULSE REPORT ENREGISTREMENT DE LA CITOYENNETÉ ET PROMOTION DU CIVISME, S.I.S.: RAPPORT TENDANCIEL SOMMAIRE

REGION/REGION	NATIONAL	MONTH/MOIS		JULY		
<b>SERVICE DEMAND</b>						
	The month Ce mois	- 1	- 2	YTD - ACJ	YTD Target Prévision ACJ	% Variance Écart %
• Applications						
- Grants	8413	7120	7519	29765	42606	-30 %
- Proofs	3248	2878	2737	11741	13085	-10 %
- Others	1196	1051	940	3999	3006	33 %
<b>DEMANDE DE SERVICE</b>						
• Demands						
- Octroi						
- Preuves						
- Autres						
<b>SERVICE LEVEL</b>						
• Inquiries	81629	72347	75721	303388	246709	23 %
• Hearings						
- Conducted	8355	7046	8333	31867	37132	-14 %
- On Hand	+ 1 10678	9141	7612			
- Scheduled	9636	9270	7716	10391		
• Presentations						
- Certificates Presented	10788	10771	11080	43742	42729	2 %
- On Hand	+ 1 15282	13213	14149			
- Scheduled	10459	11192	11319	11296		
• Promotional Activities						
- Number	154	130	123	512	269	90 %
- Direct Audience	8546	9724	7726	36448	38209	-5 %
<b>THROUGHPUT TIMES</b>						
• Weeks between receipt of proof application in Court and certificate mailing	1 - 6 4 %	6 - 7 1 %	8 - 9 2 %	+ 9 93 %	Total No. 8459	
• Weeks between receipt of grant application in Court and certificate presentation	1 - 12 1 %	13 - 20 12 %	21 - 30 48 %	+ 30 39 %	Total No. 3023	
<b>RESOURCES</b>						
• Expenditures (\$K)	Budget	Expenditure Dépenses	Commitments Engagements	Free Balance Solde		
- Travel	229.7	54.416	9.407	165.874		
- Advertising	6.95	0.3	-	626.75		
• Revenue	The month Ce mois	- 1	- 2	YTD - ACJ	YTD Target Prévision ACJ	% Variance Écart %
	357569	306931	329617	1292296	1794542	28 %
• Resource Utilization						
- Person Months Spent	199.67	203.5	206.39	813.06	708	15 %
- Overtime (Hours)	392.125	437.1	238.2	1355925		
• Staffing Action Aging (Mos)	1 - 2 4	3 - 4 4	5 - 6 1	+ 6 2	Total No. 11	
<b>RESSOURCES</b>						
• Dépenses (DOOS)						
- Voyages						
- Publicité						
• Recettes						
• Utilisation des ressources						
- Mois-personne utilisés						
- Temps supplémentaires (Heures)						
• Dété de dotation (mois)						

tion than the comparable American policies: the three-year-residence requirement, the lack of a literacy requirement, and the lower fee structure.

Turning to the two nations' naturalization-related security procedures, we find a mixed lot. The U.S. demands fingerprints of all applicants over the age of 14; Canada does not. The U.S. obtains and destroys the new citizens' old alien documentation to prevent its re-sale; Canada does not. On the other hand, no Canadian citizenship document is issued until RCMP has completed its investigation; this is not the case in the States where every so often the FBI reports a serious criminal record after citizenship has been granted. Further, the Canadian system of centralized record-keeping prevents anyone from filing for naturalization in more than one office. Although the U.S. system of linking the N-400 to the A-file usually works, it is possible for a person to apply for citizenship in two or more INS offices at the same time, and this is known to have occurred.

There are a number of advantages to the U.S. system, not the least of which is the number of visits that the applicant must make in the course of the process. American applicants must appear for two events: the preliminary interview and the ceremony. Canadian applicants must appear for three events: the filing, the interview with the judge, and the ceremony.

The American system has no patronage components.

The U.S. procedure has fairly clear definitions of residence which Canada's system lacks. A well-to-do landed immigrant in Canada can buy a house and a business and then, three years later, state that he intends to live in Canada and that the house and the business are proof of that intent. Such a person can secure citizenship without any real residence in Canada, but not in the States.

Canada's centralized processing of applications is the principal reason why its system does not work more rapidly than it does. The American system allows the applicant to change his or her name as a by-product of the process; Canada's does not. Further, the waste involved in producing documents that later have to be destroyed is much more of a problem in Canada than in the U.S.

Ending this list on a trivial note, the Canadians have not equipped their citizenship officers with the red pens used by INS examiners.

Perhaps Canadian and American specialists in this field should get together and share their experiences; each can learn from the other.



## CHAPTER SIX

# THE NEXT STEPS FOR AMERICA'S NATURALIZATION PROGRAM

In the United States' naturalization program, there are three groups of issues, those dealing with money, policy matters, and administrative concerns.

**A. Money.** By definition those seeking naturalization are without votes. They are newly arrived in the country and probably speak English less well and earn less money than their countrymen do on average. They are a small minority of the nation's population.

Given this description of that population and the recent budget cutbacks, one might expect that funds spent on naturalization in recent years would have declined sharply, but happily this is not the case. Although the American naturalization program is starved by Canadian standards, the INS has devoted substantial additional resources to this program in the last two fiscal years, and these additional investments have paid off in terms of decreasing backlogs of cases and shorter waiting times for individual applicants. Given the increasing number of potential applicants, because of increases in immigration in the late 1970s and early 1980s, it is important that INS continue to give naturalization at least the relatively high priority that it now enjoys.

**B. Policy Matters.** Three basic policy questions can be raised in this field:

1. Should the language requirement be changed for some groups of older immigrants?
2. Should the residence requirement be reduced, as it has in Canada (from five to three years) and in Australia (from three to two years)?
3. Should naturalization be looked upon benignly, the current U.S. posture, or should it be promoted?

Currently, the U.S. waives the English language requirement for those applicants who are more than 50 years of age and who have been in the country for more than 20 years. The assumptions are that this population will probably stay in the U.S. and will probably not become proficient in English; given their age and long-term presence in the U.S., they have been made eligible for citizenship. Similarly, arguments have been made by many observers to extend this provision to those who are more than 60 years of age and who have been in the States for more than 10 years. This is an important subject, but not one that can be addressed usefully within the bounds of what is largely a technical study of an administrative system.

There is little discussion of the residence requirement; or at least we encountered little of it outside of Canada, where there is a feeling among citizenship officers that their definition of residence is too loose. That both Canada and Australia have lowered their requirements is not well known, even within American migrant-serving agencies and INS. It may be appropriate, however, given the amount of time it takes to process naturalization petitions, particularly in the courts, to use one segment of the Australian system — to allow an alien to begin the process six months before eligibility for naturalization, and then see to it that the award is not made before the anniversary date.

As for promotion of naturalization programs, it is clearly permitted, if not actually mandated in the INA. Many organizations, ranging from a number of Hispanic groups to the Daughters of the American Revolution, think it is badly needed. Such a program need not be very expensive, a little bit of work would go a long way. Perhaps the Congress should think about a matching grant program, much like that used by the Department of Health and Human Resources a few years ago to help settle European refugees. Local pro-naturalization agencies would be expected to match federal funds with both funds of their own and with contributions in kind. As a bare minimum, INS has an obligation to

produce easy-to-read material on the program and on our country. This leads to the narrower but numerous administrative reforms needed in this field.

**C. Administrative Concerns.** The Immigration and Naturalization Service has made remarkable strides in recent years, but more needs to be done. The first two specific recommendations that follow are addressed to the Congress and the balance to INS, the Justice Department, and the Office of Budget and Management as a group.

1. The United States needs to adopt an all-administrative naturalization system. The primary motivation for the change should be to reduce the needless negotiations with the courts of the nation, so that the serious court-created backlogs of naturalizations can be eliminated. (Chairman Peter Rodino of the House Judiciary Committee has introduced such legislation.)

Courtrooms are fine places for naturalization ceremonies, and efforts should be made to use these grand pieces of public space for naturalizations in the future. The courts obviously should continue to play an appellate role when an individual alien and INS disagree on eligibility for naturalization. But, the courts should be removed from a decision-making role regarding the time and place of naturalization ceremonies.

2. The naturalization provisions in the INA need to be overhauled and simplified. More discretion should be granted to INS over administrative matters, such as the number of photos required from each applicant. The list of disqualifying conditions should be reduced, and provision should be made for asking questions only of those to whom the question might apply. It is clearly important not to permit citizenship to be granted to Nazi war criminals, but such questions, for example, might only be addressed to those born before, say, 1933.<sup>1</sup>

3. The INS move toward fuller computerization of the naturalization program is to be encouraged; some thought might be given in the years ahead to the possibility of adjudicating otherwise problem-free naturalization cases from electronic rather than paper files.

4. INS can kill two birds with a single stone by making greater use of Section 346 of the INA; this is the provision for the Attorney-General to produce and distribute citizenship textbooks funded by reimbursements from naturalization fees. There is a need for a simply written<sup>2</sup> publication for would-be citizens. At the same time such a publication could serve, as does the comparable Canadian document, as an outer limit to the questions that an INS examiner may ask an applicant.

5. Most of the naturalization forms, and all the brochures and form letters, need to be rewritten. These documents are needlessly cold, and potentially alarming to some; the language is often needlessly ponderous, and the graphics range from the uninspired and cramped through the messy to the illegible.

6. It would be a good idea to make the Service's management information system more useful to naturalization managers. It should, like the Canadian one, measure throughputs (i.e. waiting times) and record the status of the pending cases. Similarly, though not necessarily as part of the MIS, it would be helpful to mount some studies of more than a quarter of the caseload, those aliens who want to become citizens but who are sent away from INS offices, told, in effect, to try again.<sup>3</sup>

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<sup>1</sup>. On the grounds that one probably had to be at least a teenager to be involved in the War and the concentration camps.

<sup>2</sup>. Perhaps in both English and Spanish; the latter for the many Hispanics who are eligible for the 50-20 provision of the law.

<sup>3</sup>. A modest survey, using both INS files (for those who, in fact, tried again) as well as telephone and in-person interviews of those who did not could shed a great deal of light on this subject and fairly quickly.

7. Finally, the decor of the naturalization waiting rooms should be improved as well. There ought to be things to read about America as one waits for the interview; there ought to be bright pictures on the wall. Patriotic and travel organizations probably would take care of these matters overnight if asked. And, in addition to the inevitable negative signs about paying the fee and not smoking, there should be a large sign on the wall, simply saying:

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**WELCOME: WE ARE GLAD YOU ARE HERE**

**Alan Nelson, Commissioner,  
Immigration and Naturalization Service**

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