



PRICED OUT

U.S. CITIZENSHIP
A PRIVILEGE FOR THE RICH
AND WELL EDUCATED?



Illinois Coalition
for Immigrant and
Refugee Rights

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The Illinois Coalition for Immigrant and Refugee Rights is a 501 c) 3) non-for-profit organization that promotes the rights of immigrants and refugees to fully and equally participate in our diverse society.

The New American Initiative is a partnership with the state of Illinois to provide assistance to legal permanent residents in Illinois in taking the step to become citizens. NAI has directly assisted 34,000 people with the naturalization process and have indirectly assisted over 252,000 with citizenship information.

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Introduction

610%

The amount citizenship fees have increased in the past ten years. The current cost is **\$675**

27%

The amount the federal minimum wage has increased in the past ten years

8

The number of entire weekly paychecks that a minimum wage worker will have to save to cover citizenship fees for family of four

59%

Approximately, the percentage decrease of naturalization receipts since the last fee increased in July 2007



\$200

The take home pay a minimum wage workers earns per week

In the past eight years, the Bush administration has systematically made citizenship less accessible to hard working immigrants who strive for the American dream and want to assimilate into the fabric of U.S. life.

Full citizenship for immigrants living in the U.S. should be a goal for all in our Republic. Citizenship makes our democracy real, ensuring that all who live, work, contribute, worship, and raise families in our land have equal rights and responsibilities. It enables all to participate fully in our civic life. **“Americans by choice, not by chance”** implies an affirmative commitment to our nation and our democracy.

What does it mean to be American in 2008? For many immigrants ready to take the important step to becoming a citizen, it means more stability, security for themselves and their family, better economic opportunities and the ability to vote. Despite these benefits, in this last year, as immigrants face higher hurdles to becoming citizens, the numbers of eligible immigrants applying for citizenship has declined significantly.

Most Americans would likely agree that immigrants should pay reasonable fees and pass reasonable tests in order to become US citizens. In 1998, the fee to naturalize was \$95, and when George W. Bush became president in 2000, the cost of citizenship was \$225. Yet, as of July 31st of 2007, the new fee is **\$675, which represents a 610% increase since 1998**. In addition to this, on October

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1st of this year, U.S. Citizenship and Immigration Services (USCIS) will implement a new citizenship test that raises the bar particularly for hardworking, patriotic, but less educated immigrants.

What does the new fee represent for a family of four?

A family of four currently has to pay \$2270 to file for US citizenship.¹ While citizenship fees have gone up 610% since 1998, the federal minimum wage has increased by only 27%, from \$5.15 to \$6.55 an hour. An immigrant earning the federal minimum wage and working full time takes home about \$200 per week. This worker would have to save **8 weeks** of their entire paycheck to pay the citizenship fees for her family of four!!!

A fee driven system

Currently, USCIS relies entirely on fees to cover the agency's total costs. The problem with this system is that fees that immigrants pay with their applications cover many activities unconnected with the adjudication of their applications, such as refugee and asylum services, litigation expenses, and administrative costs.² The burden of these functions rests largely on the shoulders of immigrants who already struggle to pay the burdensome application fees.

At the time that the naturalization fee increase was announced by USCIS, one of the purported goals was to improve processing times for applications. Emilio Gonzalez, then director of USCIS, stated that “[b]y recovering the full costs of doing business, this [fee] rule will enable USCIS to reduce processing times and improve customer service and, in the long run, make the legal immigration process more secure, efficient and welcoming to all immigrants.”³ In fact, the welcome mat has been pulled from these legal working class immigrants as they make the heartbreaking decision of either paying for rent and food, or becoming American.

¹ This figure includes fees for two N-400 applications for naturalization for the adults (2 x \$675) and for two N-600 applications for citizenship certificates for the children, who would derive citizenship when the adults naturalize (2 x \$460).

² Immigration Fee Increases in Context, Migration Policy Institute.

³ Statement of Emilio T. Gonzalez, Director U.S. Citizenship and Immigration Services (USCIS), U.S. Department of Homeland Security, Regarding a proposal to adjust the immigration benefit application and petition fee schedule before the House Judiciary Committee, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, February 14, 2007

Citizenship applications dropped by 59% since the last fee increase (of 69%) in July 2007

The numbers speak for themselves

In the period of January – June of 2007 (right before the fee increase took place in July of the same year), USCIS received 114,469 applications for naturalization per month. Once the fee increase kicked in, the number of applications decreased dramatically: in the same six-month period of 2008, 46,866 applications were submitted each month, representing a sharp fall of almost 59%.⁴

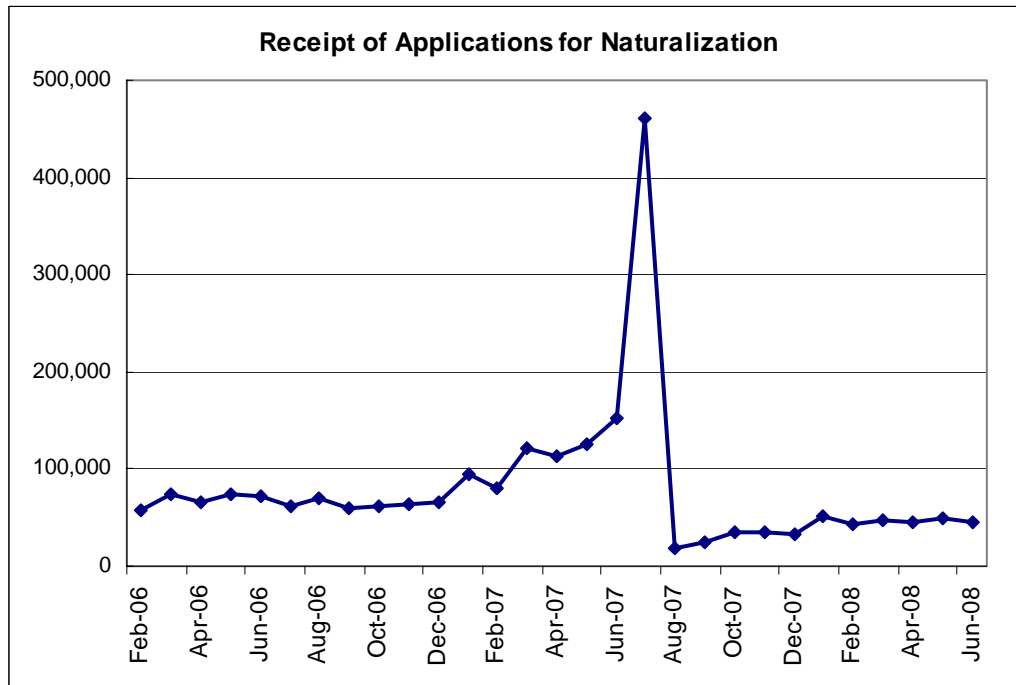
Any fee increase is preceded by a spike in applications, as applicants realize that waiting longer will cost them more money. Immediately after the fee increase, there is a sharp drop in applications, because many of the people who were ready to apply submitted their applications before the new fee went into effect.

A breakdown of 4 major U.S. cities (see Appendix A) highlights a similar story of a decrease in application receipts since the increase in the application fee. In the coming months, as USCIS releases more numbers, the impact of the fee as well as the change in the test, will provide more information about how the immigrant communities are impacted by these changes in the rules imposed by USCIS.

⁴ Figures according to PAS G-22.3. Performance Analysis System. PAS is a DHS system that provides operational statistics for a broad range of services, including the numbers of immigration adjudication and naturalization applications and petitions received and processed.

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To those who provide services to low-income immigrants, this 59% drop in citizenship applications is not surprising—the expense of the application is too daunting for many of their clients.



What steps does a legal permanent resident need to take to become a citizen?

Legal permanent residents (green card holders) are eligible to apply for citizenship if they have lived in the United States for 4 years and 9 months, or for 2 years and 9 months if they are married to a US citizen. The applicant must fill out the 10-page N-400 application; pay fees currently totaling \$675; and be photographed and fingerprinted for a criminal background check. U.S. Citizenship and Immigration Services (USCIS) will then invite the applicant to a citizenship interview. There the applicant must show her knowledge of basic English and U.S. government and history by passing a written and oral exam. (The English requirement is waived if the applicant is elderly and has had her green card for at least 15 years. Persons with disabilities may also receive waivers from the test.) A full list of the requirements to become a U.S. citizen can be found at www.becomeacitizennow.org on the website of the **New Americans Initiative**, a partnership between the **Illinois Coalition for Immigrant and Refugee Rights** and the **State of Illinois**.

Fee Waivers

USCIS can grant waivers to immigrants who are unable to pay filing fees. USCIS has published a “field guidance” manual that outlines the factors officers must assess when granting fee waiver eligibility. Though the manual provides an extensive set of factors officers must assess, it is not comprehensive. USCIS officers are encouraged to evaluate all the information an individual has included in his/her support for a fee waiver. This information includes but is not limited to evidence or documentation regarding the individual’s living arrangements in the US; the individual’s extraordinary expenditures or those of her dependents residing in the US; monetary contributions for the payment of monthly expenses received from adult children, dependents, and other people who are living in the individual’s household; and other expenses for which the individual is responsible. A fee waiver will not be granted until the authorized USCIS officer is satisfied that the applicant is unable to pay the fee.⁵

Despite the Bush Administration’s faith in fee waivers, low-income applicants are consistently being denied. Examples include a Chicago man with an average monthly income of \$925 (including \$549 from social security) and expenses of \$910. USCIS counted the income of the applicant’s son, who lives in the same building but in a different apartment, and ruled that the “household” income was enough for the applicant to afford the fee. Another problem has been the amount of documentation USCIS requires. USCIS advised one Chicago mother with three mentally ill children to complete a family application. It then granted a fee waiver only for the mother, denying the three children. USCIS said that it did not receive enough documentation for the three children and their cases.

A new test; the latest hurdle

A new citizenship test will be implemented by USCIS beginning October 1, 2008. Although USCIS did engage adult educators and immigrant advocates in the test redesign, the end product is one that asks questions such as “what is the rule of law,” “who was the president during WWI” and a battery of new subject matters, including geography. The degree of education of an individual must be higher in order to pass this new test. Changing the test will require changing the curriculum to prepare citizenship applicants for a new test. The adult English learner system that prepares immigrants for the naturalization test is already overstretched and under-resourced. The concern is that re-tooling the system to prepare immigrants for a potentially more challenging test, without additional resources for the English and civics class providers will make it more difficult for immigrants to study and pass the new test. The new test is yet another way that the Bush administration has made citizenship a privilege of the well educated.

⁵<http://www.uscis.gov>

The New American Loan Program: *Americans should not have to take out loans to become citizens*

Many of the organizations that help immigrants become citizens in Illinois are partners of the New Americans Initiative, a partnership between the State of Illinois and the Illinois Coalition for Immigrant and Refugee Rights (ICIRR). Seeing the needs of the immigrant community over the past year, many have established partnerships with local banks and credit unions to set up micro loan programs for applicants who qualify. These loan programs have been successful in attracting people who would not qualify for a fee waiver, but would not otherwise be able to pay the \$675 up front. These loans have been successful in getting people to take the step to becoming citizens. However, many families are already overburdened with debt and these loans, although helpful, may cause many families to continue to face more debt in our stagnant economy.

Ramon and Antonia Galvez have completed their applications for citizenship; a benefit that they know will bring them more rights. They both work as janitors cleaning the offices of community organizations in Aurora, Chicago. They need to take out a loan for the citizenship fees because there is no way that they can come up with \$1350 all at once. “It would take us one year to save that kind of money,” explains Antonia. “I don’t want to wait another year.” The loan will allow them to apply now, before the new citizenship test goes into effect.

Sunitha Doma has a full time job and is excited about the possibility of being a U.S. citizen. “We are a middle income family,” she states, “and I know about the privileges of becoming an American. I can sponsor my family to join me here in the U.S., can travel with a U.S. passport, and would love to be able to vote!” However, she cannot afford the citizenship fee. She has two American born children, 2 and 5 years old, and is thinking about taking out a loan to pay for citizenship. “I am ready to take the test,” she says, “I just do not have \$675 available to send to immigration services.”

The Citizenship Backlog: Shutting the Door on Participation

USCIS's long-stated goal has been to process each citizenship application within six months, but after the 66% fee increase in July 2007, we have seen that many applications have taken 16 to 18 months to process. Federal law provides the USCIS up to **120 days** to accept or reject a particular applicant's request for US citizenship after the applicant has provided the required documentation, been fingerprinted and interviewed.

Although USCIS has made efforts to decrease the waiting time over the past year, there are many individuals who will not be able to participate in this year's presidential election, despite having applied in the summer of 2007. In Illinois, ICIRR has begun a project to determine how many of the individuals that applied before the fee increase of 2007, are still waiting to become naturalized. Through the New Americans Initiative, ICIRR is able to collect data on the applicants that have been helped by the program. Recently, ICIRR was able to reach 32 individuals who applied in July of 2007, in Illinois. Of the 32 people, 9 had received appointments for fingerprinting and never heard back from USCIS although they applied **13 months** ago; they have seen their dream of participating in this year's elections dashed.

FBI background Checks

Since the terrorist attacks of September 11, 2001, USCIS has implemented "name checks" for adjudication of naturalization applications. As of early March 2008, approximately **365,000 people** were caught in the name check backlog. Although immigrants from all over the world are affected by this backlog, it has had the most detrimental impact on legal permanent residents from Middle Eastern countries. The DHS Citizenship and Immigration Services Ombudsman told Congress the name check backlog problem is "pervasive and serious," accounting for "approximately 25 percent" of written complaints. The

Ombudsman also noted that the problem is "worsening" and "may not achieve [its] intended national security objectives."⁶

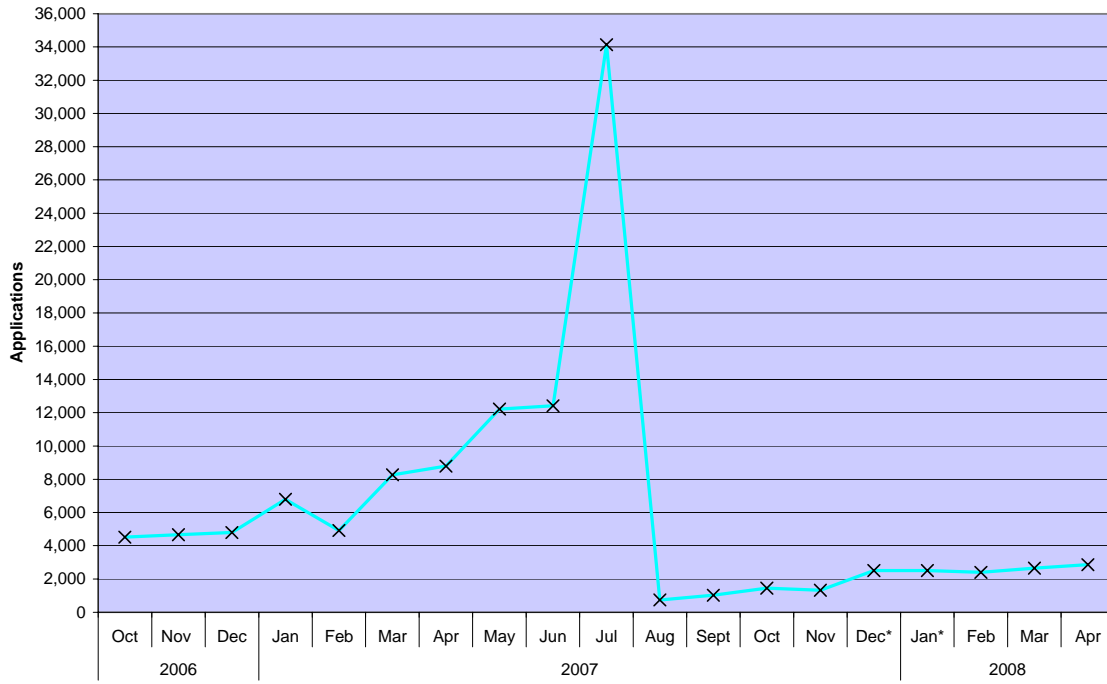
⁶ Council of American-Islamic Relations,
<http://www.cair.com/GovernmentRelations/IssuesandLegislation/CitizenshipDelays.aspx>

Recommendations

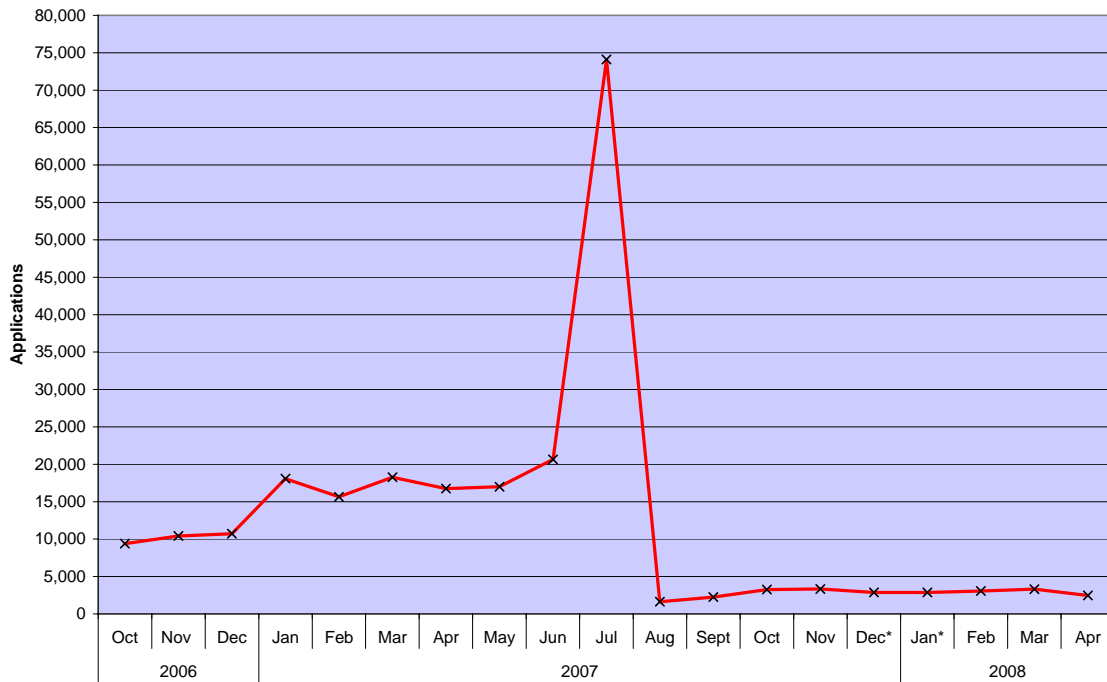
1. ICIRR recommends that the cost of citizenship be tied to the federal minimum wage. The cost for an N-400 application should be equivalent to one weeks pay for a worker making the minimum wage; currently \$200.
2. ICIRR recommends that routine naturalization applications not be required to undergo FBI background checks and in the case that an applicant does require a FBI check, that procedure should be completed within 90 days of the application date.
3. The next administration should require an in depth study into the reasons why USCIS continues to set fees on a FY 1998 time and motion study and demand a comprehensive fee review to determine whether the fees are covering processing costs.
4. Congress and the new administration should also change the way that fees are determined—move away from requiring that fees pay for all USCIS operations, and toward having fees cover the costs of handling only the applications. Congress should authorize consistent appropriations to pay for USCIS operations beyond adjudications, such as fraud investigations and litigation.
5. To the degree that USCIS remains fee funded, Congress should work to make federal budget rules more flexible and create more creative funding streams.
6. Congress should provide closer oversight over USCIS operations, particularly how it spends fee revenues and require greater accountability for fee increases with a process for public input.
7. The next administration and the next Congress should work to pass the **Obama-Gutierrez Citizenship Promotion Act of 2007**. This bill would allow USCIS to charge fees that are lower than those necessary to cover all direct and indirect costs of processing applications. It also allows the agency to request and receive appropriations to make up the difference in fees it receives and costs it incurs. This bill also requires a study be conducted of the FBI background check process to identify obstacles to timely completion of the checks. Finally, the bill authorizes funds for the USCIS to grant to community-based organizations to help prepare immigrants to become citizens.

Appendix A

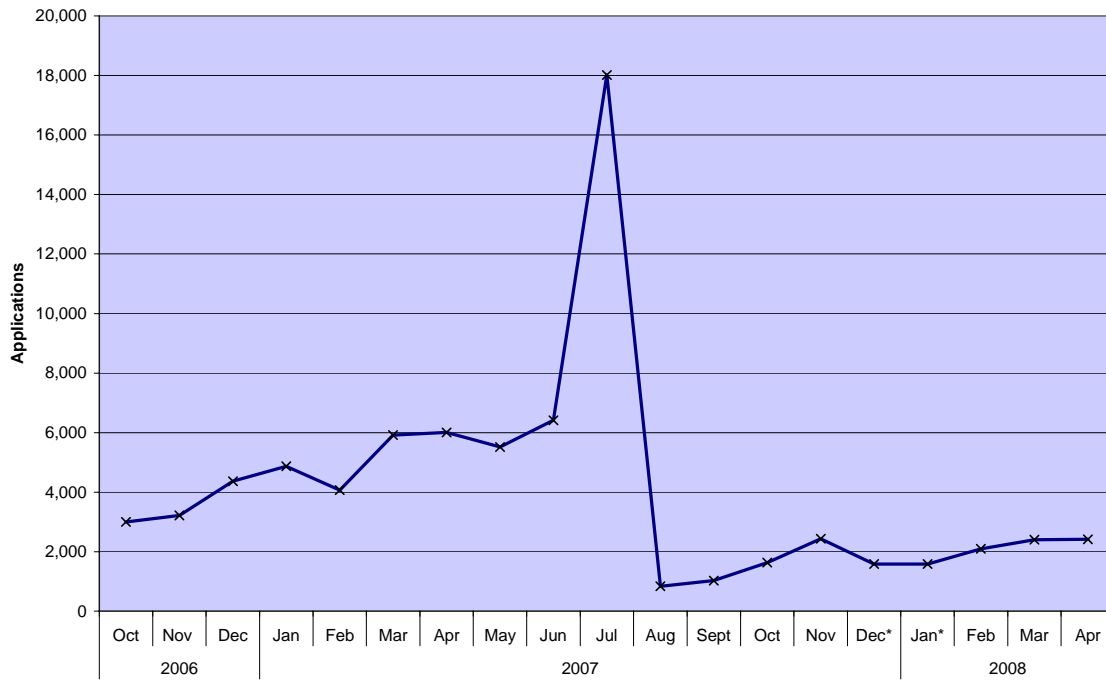
Miami



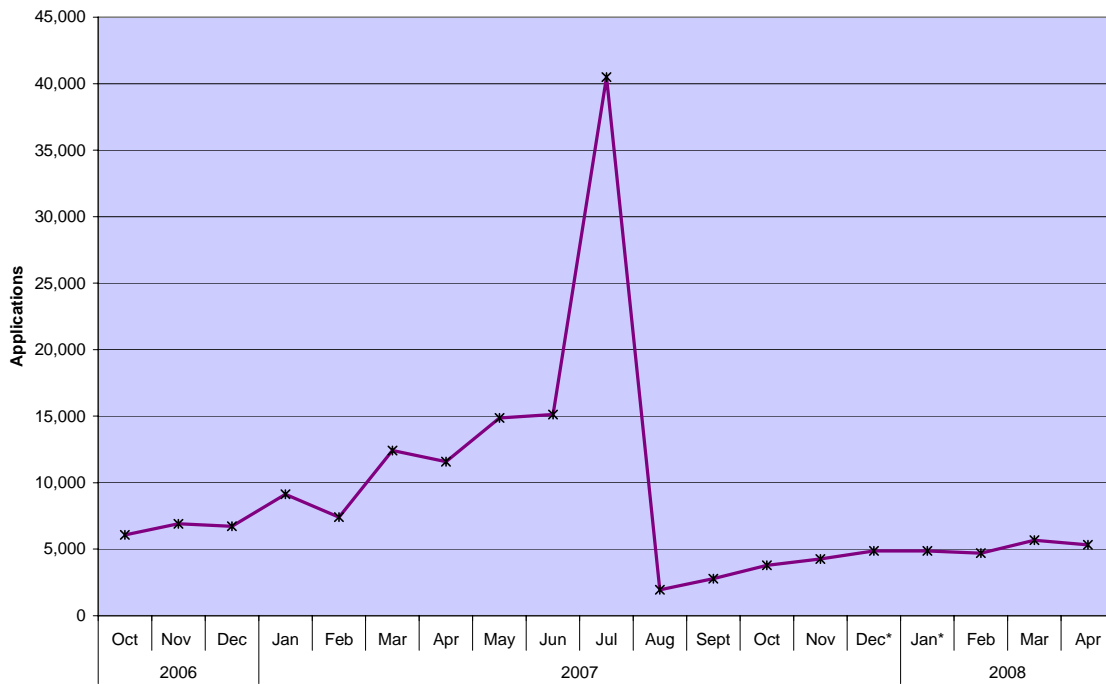
Los Angeles



Chicago



New York





A report issued by the Illinois Coalition for Immigrant and Refugee Rights.
For more information on the Illinois Coalition for Immigrant and Refugee Rights please visit www.icirr.org
For more information on the New Americans Initiative please visit www.becomeacitizennow.org
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