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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510–6275

March 19, 2008

Secretary Michael Chertoff
Department of Homeland Security
20 Massachusetts Ave. NW
Washington, DC 20529

Dear Secretary Chertoff:

We are deeply troubled by the serious backlog of naturalization applications pending adjudication at the United States Citizenship and Immigration Services (USCIS).

Last year, USCIS announced it would increase the naturalization fee by 80% from $330 to $595 (if the biometrics fee increase is included, the total fee increase is from $400 to $675, or 69%). As a result, almost a million and a half immigrants applied for naturalization before the increase went into effect. The agency justified the unprecedented fee increase by arguing that it would solve many agency problems and pay for a 20% efficiency improvement in adjudicating naturalization applications. At the time, USCIS reported that the average processing time for naturalization was 5.57 months, just under its stated six-month goal.

However, the USCIS recently announced that it will take 14-16 months to process naturalization applications filed after June 2007. In other words, for naturalization applications filed after the fee increase, USCIS is now charging almost twice as much for a service that takes twice as long.

The agency has responded to previous Congressional inquiries on this issue by stating that it could not have foreseen this surge in applications. We do not find that argument persuasive. Every previous naturalization fee increase has had the same effect. Preceding each of the naturalization fee increases in 1998, 2002 and 2004, a large surge in applications took place. It should have come as no surprise that the agency received 1.4 million naturalization applications in FY 2007, nearly double the volume received in the previous fiscal year. Despite knowledge that the fee increase would bring a surge in

applications, the agency apparently did nothing to prepare for it. Clearly, a work plan should have been put in place well before the fee increase was implemented.

We understand that USCIS is now preparing a response plan to deal with the backlog. The agency has begun to hire an additional 1,500 employees, of whom 723 are adjudicators. To date, 580 have been hired, including 274 adjudicators. We also are aware that the office of Personnel Management, on request of USCIS, has extended USCIS temporary authority to rehire retired annuitants to assist in clearing the backlog. We commend these efforts, but we understand that the agency does not believe they will have an impact soon enough to ensure that most of the applicants who filed in FY 2007 will become U.S. citizens in FY 2008.

We recognize that the FBI name check verification process is delaying approximately 145,000 naturalization applications. But the FBI cannot be held responsible for the vast majority of the naturalization applications backlog. In fact, according to the USCIS Production Update Reports, USCIS does not include applications currently held by the FBI in the official count of its backlog.

It has also recently come to our attention that last year, USCIS experienced a so-called "front log," in which the agency did not immediately process many naturalization applications received by mail and failed to send applicants a receipt confirmation for several months. Thus, the agency delayed the date on which the applicant was entered in the USCIS system to begin the adjudication process. We are concerned about this problem, and we wish to learn more about what occurred last year and what steps the agency has taken to eliminate the front log.

In order to fully understand the scope of the USCIS backlog and front log problems, we request further information. Our specific requests are contained in the attachment. The agency's responses will help us fully understand the scope of the backlog and front log problem and identify the areas where the agency needs the most assistance in alleviating these delays. **It will be especially helpful to the Committee to have this information prior to your appearance before the Committee on April 2, 2008 and so we ask that you return the information by March 28, 2008.**

We also ask that you report to the Committee on a bi-weekly basis from this time forward on the progress made in the adjudication of naturalization applications, including how many cases have been completed during each two-week period and how many are still pending, including the dates of submission of the pending cases.

We appreciate your assistance with this request, and we ask you to coordinate your responses with Wendy Young, Chief Counsel for Immigration Policy, Subcommittee on Immigration (202) 224-7878; wendy_young@judicicary-dem.senate.gov, Matt Virkstis, Counsel, Judiciary Committee (202) 224-7703; matthew_virkstis@judiciary-dem.senate.gov, and Sandra Gallardo, Senior Counsel, Oversight and Investigations (202) 224-3112; Sandra_gallardo@help.senate.gov. With respect and appreciation, and we would be grateful for your prompt consideration of our request.

Sincerely,

Patrick Leahy

Patrick J. Leahy
Chairman
Committee on the Judiciary

Edward M. Kennedy
Chairman
Subcommittee on Immigration
Refugees and Border Security

Charles E. Schumer
Chairman
Subcommittee on
Administrative
Oversight and the
Courts

REQUESTS FOR INFORMATION

Please produce the responses to the questions described below by delivering the responses to the Senate Judiciary Committee, Room 224, Washington, D.C. 20510, attention: Matt Virkstis, and the Hart Senate Office Building, Suite 615, Washington D.C. 20510, attention: Sandra Gallardo and Nick Bath at or before 5 p.m. on March 28, 2008 and updated responses every two weeks thereafter.

Pending Naturalization Applications

(1) The Homeland Security Act Section 478 (6 USCS § 298) requires that USCIS issue an annual report on immigration functions, including the average processing period for immigration applications, disaggregated by application or petition type. Please provide the current processing time for naturalization applications (N-400).

(2) The Homeland Security Act Section 478 (6 USCS § 298) also requires that USCIS issue an annual report on immigration functions that details the quantity of backlogged immigration applications and petitions, the aggregate number awaiting processing and a "detailed plan for eliminating the backlog." Please provide the quantity of backlogged naturalization applications (N-400), the aggregate number of naturalization applications (N-400) presently awaiting processing, and the Department's current "detailed plan for eliminating the backlog" in naturalization applications.

(3) In the Department's best estimation, how much would it cost to clear the naturalization application (N-400) processing backlog by the end of FY 2008?

(4) For all naturalization applications (N-400) currently pending at USCIS (that is, applications for which adjudication has not been completed and approval or denial has not been issued), please provide the number of days the application has been pending at USCIS. The number of days should be calculated from the date the application was received by USCIS at its mail center.[1] Please also provide the date on which USCIS projects these applications will be completed.

Days Pending	Number of N-400 Applications Currently Pending	Date (month and year) This Group is Projected to be Completed, including a final decision on the N-400	Date (month and year) This Group is Projected to be Sworn-In as a US Citizen
Less than 90 days			
91-180 days			
181-270 days			
271-360 days			
361-450 days			
451-540 days			
541-630 days			
631-720 days			
721-810 days			
811-900 days			
901-990 days			
991-1080 days			
1081-1170 days			
More than 1170 days			

Naturalization Application "Front Log"

(5) In the summer of 2007, USCIS developed a substantial "front log" in N-400 applications/petitions (situations in which applicants did not receive a confirmation of receipt from USCIS for months after submission of the application).

a. As set forth in the chart below, please provide the number of naturalization applications (N-400) that have been in USCIS' possession for over two weeks (14 days), but for which USCIS has not issued a confirmation of receipt to the applicant (797 form). Also, please provide the date USCIS projects that receipts will be issued to these applicants. The number of days should be calculated from the date the application was received by USCIS at its mail center.

1 In the January 2008 USCIS Response to the Citizen and Immigration Services Ombudsman's 2007 Annual Report stated, "USCIS also took great care to receipt all cases in chronological order according to their postmark dates, and prioritized certain types of applications to ensure that legal obligations were met..."

Days Which USCIS Has Been Possession of Applications for Which Receipt Not Issued to Applicant	Number of N-400 Applications	Date (month and year) Receipts Are Projected to be Issued to Applicants
Less than 14 days		
14-30 days		
31-45 days		
46-60 days		
61-75 days		
76-85 days		
86-100 days		
101-115 days		
116-130 days		
131-150 days		
Over 150 days		

b. For all naturalization applications (N-400) received between March 1, 2007 through March 18, 2008, please provide the number of days that elapsed between USCIS' receipt of the N-400 applications and the date that USCIS issued the applicant a confirmation of receipt, as set forth in the chart below.

Lapse Between Receiving the Application and Issuing Receipt	Number of N-400s
Less than 14 days	
14-30 days	
31-45 days	
46-60 days	
61-75 days	
76-85 days	
86-100 days	
101-115 days	
116-130 days	
131-150 days	
Over 150 days	

c. In updates submitted subsequent to the initial response to this request, for naturalization applications (N-400) received between March 18, 2008 and the date of the update, please provide the number of days that lapsed between USCIS' receipt of the N-400 applications and the date a confirmation receipt was sent to the applicant, as set forth in the chart below.

For applications received after March 18, 2008:

Lapse Between Receiving the Application and Issuing Receipt	Number of N-400s
Less than 14 days	
14-30 days	
31-45 days	
46-60 days	
61-75 days	
76-85 days	
86-100 days	
101-115 days	
116-130 days	
131-150 days	
Over 150 days	

FBI Name Check

(6) Please provide the total number of naturalization applications currently pending with the FBI for the name check verification process.

(7) Please provide a breakdown, as set forth in the chart below, of how long the applications listed in response to the previous question that are currently in the custody of the FBI (if there is an "aging report" available for these cases, please provide that report to the Committee).

Days Held at FBI	Number of Naturalization Applications Currently in the FBI's Custody
Less than 14 days	
15-30 days	
31-60 days	
61-90 days	
91-120 days	
121-150 days	
151-180 days	
181-210 days	
211-240 days	
241-270 days	
271-300 days	
301 days-2 years	
2-3 years	
3-4 years	
4-5 years	

USCIS New Hiring

(8) Provide a breakdown of total staff who have been assigned to the naturalization process, including any new hires and retirees who have been brought back to assist in the adjudications. In particular:

(a) USCIS has stated that one of the goals of its recent fee increases was to be able to hire an additional 1,500 new employees. How many of these individuals have been hired? In addition, has USCIS had to revise its estimates for when it intends to have hired all 1,500 new employees?

(b) USCIS has identified 704 retired USCIS employees (469 of which were in adjudication-related positions). How many of these have been contacted by USCIS in connection with addressing the current backlogs? How many have been hired?

(9) Provide the breakdown of the regional field offices and service centers to which such staff have been assigned.

Regional Offices N-400 Applications

(10) What is the average time between the completion of an N-400 application and the date the individual is sworn-in as a US citizen? If possible, please break down this information by regional field office.

(11) As set forth in the chart below, provide the number of naturalization applications (N-400) that are pending (that is, applications for which adjudication has not been completed and approval or denial has not been issued), in each of the USCIS regional field offices.

Field Office	Number of N-400 Applications Currently Pending	Of those Applications Currently Pending, How Many Have Been Pending Between 180 days -1year (12 months)?	Date (month and year) the Group that has been Pending for 180days to 1 year is Projected to be Completed, including a final decision on the N-400	Of those Applications Currently Pending, How Many Have Been Pending Between 1 and 2 years?	Date (month and year) the Group that Has Been Pending Between 1 and 2 years is Projected to be Completed, including a final decision on the N-400	Of those Applications Currently Pending, How Many Have Been Pending over 2 years?	Date (month and year) the Group that Has Been Pending over 2 years is Projected to be Completed, including a final decision on the N-400	Provide the Average Number of N-400 Applications Each Field Office Plans to Process/Adjudicate Each Month from March 2008 Until Backlog is Eliminated
Agana, GU								
Albany, NY								
Albuquerque, NM								
Anchorage, AK								
Atlanta, GA								
Baltimore, MD								
Boise, ID								
Boston, MA								
Buffalo, NY								
Casper, WY								
Charleston, DC								
Charleston, WV								
Charlotte Amalie, VI								
Charlotte, NC								
Cherry Hill, NJ								
Chicago, IL								
Christiansted,								

VI								
Chula Vista, CA								
Cincinnati, OH								
Cleveland, OH								
Columbus, OH								
Dallas, TX								
Denver, CO								
Des Moines, IA								
Detroit, MI								
Dover, DE								
El Paso, TX								
Fort Smith, AR								
Fresno, CA								
Greer, SC								
Harlingen, TX								
Hartford, CT								
Helena, MT								
Honolulu, HI								
Houston, TX								
Indianapolis, IN								
Jacksonville, FL								
Kansas City, MO								
Las Vegas, NV								
Los Angeles, CA								
Louisville, KY								
Manchester, NH								
Memphis, TN								

Miami, FL								
Milwaukee, WI								
New Orleans, LA								
New York City, NY								
Newark, NJ								
Norfolk, VA								
Oklahoma City, OK								
Omaha, NE								
Orlando, FL								
Philadelphia, PA								
Phoenix, AZ								
Pittsburgh, PA								
Portland, ME								
Portland, OR								
Providence, RI								
Reno, NV								
Rochester, NY								
Sacramento, CA								
Saint Albans, VT								
Saint Louis, MO								
Saint Paul, MN								
Salt Lake City, UT								
San Antonio, TX								
San								

Bernardino, CA								
San Diego, CA								
San Francisco, CA								
San Jose, CA								
San Juan, PR								
Santa Ana, CA								
Seattle, WA								
Spokane, WA								
Syracuse, NY								
Tampa, FL								
Tucson, AZ								
Washington, DC								
West Palm Beach, FL								
Wichita, KS								
Yakima, WA								

(12) **<u>As set forth in the chart below,</u>** please provide the number of naturalization applications (N-400) pending in each of USCIS' service centers.

Service Center	Number of N-400 Applications Currently Pending	Of those Applications Currently Pending, How Many Have Been Pending Between 180 days -1 year (12 months)?	Of those Applications Pending, How Many Have Been Pending Between 1 and 2 years?	Of those Applications Pending, How Many Have Been Pending over 2 years?
California Service Center				
Nebraska Service Center				
Vermont Service Center				
Texas Service Center				