



UNITED STATES COMMISSION ON CIVIL RIGHTS

1331 Pennsylvania Avenue, NW • Suite 1150 • Washington, DC 20425 www.usccr.gov

September 11, 2020

Acting Director Kenneth Cuccinelli
Senior Official Performing the Duties of the Director
U.S. Citizenship and Immigration Services
Washington, D.C. 20529

Dear Acting Director Cuccinelli:

The U.S. Commission on Civil Rights would like to urge the U.S. Citizenship and Immigration Services (USCIS) to take all appropriate steps to address the significant backlog of naturalization applications from lawful residents, and to adjust the requirements of the Oath of Allegiance to allow for the remote administration of both naturalization ceremonies as well as interviews for citizenship applications amid the COVID-19 pandemic. The backlog of citizenship applications slows down the naturalization process, which is likely to be disappointing to those applicants looking forward to voting in the upcoming election.¹

After USCIS suspended face-to-face services on March 18, the backlog of naturalization ceremonies and interviews grew,² with roughly 110,000 people awaiting the Allegiance and Oath Ceremony.³ We commend USCIS for prioritizing the completion of these oaths after reopening on June 4,⁴ particularly in the face of inevitable furloughs and budgetary

¹ The Commission is an independent, bipartisan, fact-finding federal agency congressionally charged, among other duties, to examine certain deprivations of the right of citizens of the United States to vote. 42 U.S.C. §1975a(a)(1).

² Before the pandemic, a significant backlog in naturalization applications already existed. In September 2019, the Colorado Advisory Committee to the Commission found that there were roughly 740,000 naturalization applications awaiting approval, with an average wait time from ten months to nearly three years. Colorado State Advisory Committee, U.S. Commission on Civil Rights, *Citizenship Delayed: Civil Rights and Voting Rights Implications of the Backlog in Citizenship and Naturalization Applications*, Sep. 2019, <https://www.usccr.gov/pubs/2019/09-12-Citizenship-Delayed-Colorado-Naturalization-Backlog.pdf> at 9 [hereinafter *Citizenship Delayed*].

³ Lissandra Villa, *Coronavirus Created a Backlog of Thousands Waiting for U.S. Citizenship. Will They Get It In Time to Vote?*, Time, Jul. 16, 2020, <https://time.com/5867917/coronavirus-immigration-citizenship-vote/>.

⁴ *Id.*; U.S. House Committee on the Judiciary, Subcommittee on Immigration and Citizenship, Written Testimony of Joseph B. Edlow, Deputy Director for Policy, U.S. Citizenship and Immigration Services, Jul. 29, 2020, <https://docs.house.gov/meetings/JU/JU01/20200729/110946/HHRG-116-JU01-Wstate-EdlowJ-20200729.pdf> at 4.

constraints.⁵ But we are concerned that 700,885 naturalizations applications are still pending and hope that something can be done to move things along.⁶

We agree with a bipartisan letter from Senators Marco Rubio and Martin Heinrich, which described immigrant communities as enriching America's remarkable spirit, as well as its diversity, history, and culture.⁷ The letter highlighted the extraordinary contributions immigrants make to our economy and communities, and it urged USCIS to ensure eligible applicants have an opportunity to participate in Oath and Allegiance Ceremonies by either remotely administering oaths or expanding small in-person ceremonies in accordance with CDC public health guidelines.⁸ Another bipartisan letter from several congressional representatives also reflected these sentiments.⁹

We ask that to the extent it can USCIS prioritize the processing of naturalization applications and the administration of naturalization ceremonies. Additionally, we ask that USCIS continue to take necessary measures to address the backlog of those applications.¹⁰ Lastly, USCIS should expand partnerships with federal courts to administer oath ceremonies judicially.

Sincerely,



Catherine E. Lhamon
Chair

⁵ *USCIS Averts Furlough of Nearly 70% of Workforce*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES (August 25, 2020), <https://www.uscis.gov/news/news-releases/uscis-averts-furlough-of-nearly-70-of-workforce>.

⁶ Colorado State Advisory Committee, U.S. Commission on Civil Rights, *Colorado Advisory Committee Calls on the U.S. Commission on Civil Rights to Urge the U.S. Citizen and Immigration Service to Address Naturalization Backlog by Modifying Oath and Allegiance Ceremonies during COVID-19 Crisis*, Jul. 22, 2020, <https://www.usccr.gov/files/2020-07-22-CO-SAC-Statement-on-Naturalization-Backlog-and-COVID.pdf> at 2 [hereinafter *Modifying Ceremonies*] (finding that since September 2019, the backlog of naturalization applications has grown by 7.43% nationally and 17.45% in the Denver Field Office).

⁷ Letter to Acting Director Cuccinelli and USCIS, Senators Marco Rubio & Martin Heinrich (May 21, 2020), https://www.rubio.senate.gov/public/_cache/files/1ea46b8d-0729-4e7d-ac14-ob25a65e9dcf/8371991C7EBD70132E9D22022FEE90EE.naturalization-ceremonies-final-1-.pdf.

⁸ *Id.*

⁹ Letter to Attorney General Barr et al., Representative John Katko et al., (Jun. 1, 2020), <https://katko.house.gov/sites/katko.house.gov/files/RemoteNaturalizationLetter.pdf>.

¹⁰ Letter from Angela K. Goldinger, Deputy District Director, District 32, U.S. Citizenship and Immigration Services to Chair Catherine E. Lhamon (Sept. 4, 2020), p. 2, on file (stating that "USCIS offices all over the country have been utilizing alternative formats in alignment with CDC, state and local COVID-19 guidelines.").