Legal Issues: Citizenship

CONTEXT

Nationwide there has been a huge increase in United States citizenship applications over the last four years. The increase in the application process has been a result of anti-immigrant legislation that surfaced in the mid 1990s and the fact that many immigrants who qualified for permanent residency under the amnesty law of 1986 qualified for citizenship in the 1990s.

Although Santa Clara County has the largest concentration of immigrants in Northern California, as a sub-office of the San Francisco INS the San Jose INS has always had inconsistent resources and less staffing than the San Francisco INS.

The 1996 federal welfare reform had deep impacts on Santa Clara County: over 21,000 elderly, disabled, or blind legal immigrant SSI recipients stood to lose their sole SSI income, and over 15,000 legal immigrants stood to lose food stamps. In addition, thousands of other legal immigrants in the county stood to lose access to federal means-tested programs, unless they became U.S. citizens.

As a result, the Santa Clara County Board of Supervisors established positions of County Citizenship Director and County Citizenship Coordinator within the Office of Human Relations in September 1996. The only program of its type in the United States, the Board also provided an annual budget for community based organizations to assist low-income legal immigrants in the complex process of US citizenship. The Board identified two key purposes: to re-establish public benefits eligibility, assuring a safety net for all county residents, and to empower new citizens and immigrants through civic participation.

The Santa Clara County Citizenship Program established the Citizenship Collaborative of Santa Clara County due in large part from $1.3 million in funding over 30 months from the Northern California Citizenship Program. The source of this funding was the Open Society Institute. Community Foundation Silicon Valley administered the funds locally and with the Lucille Packard Foundation provided additional naturalization funding. The State of California has been funding citizenship for two consecutive years now. Santa Clara County agencies receive about $.5 million of the $7 million statewide total.

The Citizenship Collaborative has met for four years in order to coordinate outreach, share resources, avoid duplication of services, provide updates on changes in law and procedure and advocate for reduction of the INS backlog. In addition, the twenty or so participating agencies partner to provide countywide Free Citizenship Days every six months. Seven such citizenship days have been held, with the most recent one being held on November 3, 2000 in 18 languages. Nearly 15,000 legal immigrants have applied for citizenship through agencies funded in the collaborative, and over 50,000 low-income immigrants have been served in one way or another.
Despite the efforts of Santa Clara County agencies, naturalization applicants still face the lack of sufficient INS staffing and constant procedural changes in fingerprinting, fees, citizenship testing, processing and the manner in which the INS treats expungements. In the last years computer glitches that "dropped" older cases, limitations on the validity of fingerprints, and delays in making decisions regarding disability waivers have all caused immigrants unusual stress. For a time, the San Jose INS had the largest backlog in the nation. The waiting period at the San Jose INS can range from 9 months to over three years. Newer cases are being called to their citizenship interview in about a year and a half while older cases are stuck in INS limbo.

FINDINGS AND RECOMMENDATIONS

Finding 1: The citizenship process is difficult, complex, inaccessible and stressful for many immigrants.

The citizenship process should be accessible to all immigrants who are interested in becoming US citizens. However, it is difficult, complex, inaccessible and stressful for many immigrants. Particularly affected are low-income immigrants, immigrants with low levels of educational attainment, and seniors. Many seniors have difficulty learning English at an advanced age. For people who are illiterate in their native language, learning to read and write in English can be almost an impossible task.

WHAT SENIOR IMMIGRANTS SAY ABOUT CITIZENSHIP

“Citizenship for seniors should be a more enjoyable process and less painful.”
--Ina, a Russian senior

“I applied for citizenship in 1995, five years ago. They didn’t send me anything. They sent me back to have my fingerprints taken three times. My fingerprints didn’t come out. Then my fingerprints didn’t come out again. And I went back [to the INS] three months ago.”
--Jose Garcia, 76-year-old Mexican senior

“I have two more years to wait to apply, but I am glad that JFS has this program. I can’t imagine how I would be able to do this by myself. I would ask that fees for application for seniors be reduced.”
--Russian senior

“Unfortunately, I went through many problems with the INS. They lost my file, then they lost my fingerprints. When I finally passed the interview, I waited for taking the oath for six more months, because they lost my file again. It was very hard to deal with the INS, to make fingerprints again and again, to wait so long. I am too old to wait so long. I know some of my friends who applied and waited more than two years and died before they became citizens and I know that it was hard on them.”
--Russian Senior
In the random sample survey those who stated that they have a green card were asked, “Have you applied for citizenship?” The largest five immigrant groups in the county responded affirmatively in the following percentages:

![Bar chart showing respondents who have applied for U.S. citizenship.](image)

The group with the highest percentage of citizenship applicants of lawful permanent residents was the Vietnamese, while the group with the lowest percentage was Mexican. Filipino respondents and Chinese respondents to this question answered affirmatively in the 40th percentile, while 27% of Indian immigrants answered affirmatively.

When asked the question, “Which of the follow citizenship services do you or a family member need?” the biggest need identified was the need for citizenship classes (see table below). The three top immigrant groups that stated that they need citizenship classes are from Mexico, Vietnam and China. Fifty percente (50%) of the Mexican respondents who answered the question stated that they need citizenship classes followed by 45.5% of the Chinese respondents and 40% of the Vietnamese respondents.

The third biggest need identified by immigrants who answered the question with regards to citizenship services was assistance with the citizenship application. The immigrant group that most often stated that they need help filling out the citizenship application was Mexican respondents (32.1%), followed by Filipinos (19.7%) and Vietnamese (18.6%). See the following chart.
“Which of the follow citizenship services do you or a family member need?” was also asked of public assistance recipients. The top immigrant groups that stated that they need citizenship classes are Cambodian (65.4%), Taiwanese (52.6%), Somalia (52.6%), and Chinese (52.1%). Over 40% of the Mexican, Vietnamese, and Iranian respondents also stated that they need citizenship classes. Overall an average of 39.8% of the immigrants who are on public assistance stated that they need citizenship classes.

Immigrant groups receiving public assistance also answered the question asking if they need help filling out the citizenship application. Those needing the most help were Cambodian (73.1%), Mexican (41.6%), Iranian (43.2%), and Vietnamese (34.6%). Overall, 32.7% of the immigrants who answered the question stated that they need assistance filling out the citizenship application.

The top five immigrant groups receiving public assistance who answered the question stating that they need help paying or waiving the $250 INS fee for the citizenship application were Somalia (89.5%), Cambodian (65.4%), Vietnamese (42.2%), Filipino (40.6%) and Ethiopian (40%). Overall 31.9 % of the immigrants who answered the question stated that they need assistance paying or waiving the $250 fee for the citizenship application.

The Ethiopian focus group identified the issue of the high cost of immigration fees and how this affected the mental well being of immigrants, who “could barely afford the basic necessities”. The Somali focus group identified the need for citizenship classes that are close to their apartment complexes. They also expressed their fear of being unable to meet all the citizenship requirements because of language barriers, cultural differences and isolation in the U.S.

The Russian focus group identified citizenship as one of the top five issues affecting the Russian community in Santa Clara County. In particular they noted the long waiting
period, the issue of needing to be fingerprinted several times and the needs of homebound and isolated seniors. They stated that the citizenship process was “difficult, stressful and painful for seniors”. They stated that the fees for naturalization also added to the difficulty of the naturalization process. Korean seniors also identified the need for more assistance with citizenship as an issue in their community.

In an analysis of best practices in Santa Clara County, it was found that when there are issues of low academic levels and low literacy rates, programs that are tailored to meet the specific needs of these immigrants were able to help immigrants overcome large obstacles. Asian Americans for Community Involvement (AACI) is one such program which took a group of Cambodian women who were illiterate in their own language and helped them to become successful in the citizenship process. Cambodian immigrants learned to read in their own language first, transferred these skills into basic English and learned the history questions though the help of a bilingual instructor. The Center for Employment Training (CET) also has a similar program for Latino immigrants. The AACI and CET programs were funded by the County Citizenship Program. There are other examples of adult education and other CBO courses that tailor classes to meet the needs of seniors by providing a bilingual instructor.

**Recommendations for Finding 1:**

- Taking the new Hmong citizenship requirements as a precedent, the INS should develop criteria that take into better account the abilities of seniors, the disabled and people who come from countries of high illiteracy.
- More citizenship classes should be established that take into account the needs of seniors and people who come from countries of high illiteracy levels.
- The continued funding of multi-cultural and multi-lingual citizenship services countywide is essential.
- The INS must develop adequate and accessible procedures for the fee waiver process in order to address the issue of low-income immigrants who cannot access the citizenship process because of the high cost.
- For the disabled, there needs to be clearer guidelines of what criteria the INS uses. There is still a sense that disability is taken into account using subjective adjudication standards, based upon the examining officer rather than objective criteria.

**Finding 2: Many immigrants are being negatively affected by the harsh consequences of the 1996 changes in immigration law, especially in the area of crimes.**

Through changes within immigration law, petty crimes seriously affect the eligibility of citizenship. Many petty crimes permanently bar the applicant from ever applying for citizenship. Many citizenship applicants have applied for citizenship only to realize during the long wait for citizenship that they no longer qualify for citizenship.
In the random sample survey when asked what citizenship services immigrants need, the second biggest need identified was legal advice (see above table). The two groups that most often stated that they needed such help are Mexican (34%) and Chinese (23%) respondents.

**Recommendations for Finding 2:**

- Petty crimes should not permanently bar permanent residents from U.S. citizenship. The validity of expungements must be re-established within the citizenship process. The good moral character requirement along with expungements should be taken into account in allowing permanent residents to become U.S. citizen.
- More resources must be allocated to the area of legal services and citizenship in order to help immigrants navigate the complex legal system of immigration law changes.
- Congress should revisit the 1996 immigration law changes and change laws that unjustly punish immigrants on a permanent basis without any provisions for taking into account remorse, rehabilitation, and the severity of the crime.

**Finding 3: Immigrants want to be engaged in civic participation and voting, but once they have completed the citizenship process there is little support for these activities.**

The step of becoming a U.S. citizen is important in the process of civic participation and political representation. Most permanent residents state that being able to vote is perhaps the most important benefits of becoming a U.S. citizen. Much of the increase in naturalization applications has come after the passage of laws that negatively impacted immigrants (e.g. Proposition 187, welfare reform, etc.). Many immigrants receive support through citizenship classes and community centers to pass the citizenship interview. They study English, they study the 100 history and civics questions, and they prepare for the interview. But once they have finished the process and have become U.S. citizens, there is little support for learning the mechanics of how to vote and how to become fully engaged in one’s community.

The Iranian IBC group and the Iranian, Ethiopian, Indo-American, Russian, Korean, Chinese, Taiwanese, and Mexican focus groups identified the citizenship process and political participation as an import issue in their communities. The Russian seniors also identified the need for more civic education as part of the citizenship preparation process.

A survey of citizenship service providers found that the need to address civic engagement as part of the citizenship process was a major concern for them.

As a best practice in Northern California, the Northern California Citizenship Project has produced an accessible, easy-to-use, easily understandable voter curriculum. This curriculum is entitled New Citizens Vote! The curriculum is published in English,
Spanish, Chinese, Vietnamese, and Korean. It covers voting issues as well as civic engagement issues and community development issues. In a survey of agencies that have used this curriculum in Santa Clara County, they have stated that it is a priceless resource.

**Recommendations for Finding 3:**

- In view of the direct connection between the right to vote and U.S. citizenship, citizenship classes must foster and bolster civic engagement by the immigrants enrolled in these classes.
- New Citizens Vote! and other such curriculum should be incorporated into citizenship classes in adult education and in non-profit citizenship instruction.

**Finding 4: There is a sense that the INS is insensitive towards the population it is serving.**

For many immigrants the Immigration and Naturalization Service is an institution which few understand, few find accessible and which many times is not a positive experience. Frequently there is not a clarity of what INS expectations are, there are cultural misunderstandings, and there is a sense that there is a lack of sensitivity of INS towards the population it is serving.

The Iranian IBC group identified the lack of Farsi speaking INS officers as an issue that affected their community in the citizenship process. They mentioned the fear and lack of a sense of security with the INS due to the Iranian-U.S. relations. They felt that there is a lack of advocacy and assistance for Iranian seniors in the citizenship process.

The Chinese focus group felt that the INS needs more employees, especially with language capacity. They felt that another government institution should oversee INS operations and that paperwork should be reduced to improve INS employee morale.

In a survey of citizenship providers, it was found that there is great discrepancy with the treatment received by INS officers in the citizenship process.

**Recommendations for Finding 4:**

- The INS must address the issues of rudeness, lack of professional conduct, and cultural insensitivity by officers within the institution.
- INS officers should receive constant training on cultural proficiency issues, public relations, and direct service.

**Finding 5: The INS citizenship backlog is causing great stress and harm to tens of thousands of legal immigrants in Santa Clara County.**
Changes in the number of applicants along with changes in citizenship procedures have resulted in a backlog that keeps many from becoming U.S. citizens. Without citizenship, a very large number of eligible immigrants cannot reunite with family members, travel freely, or even gain work authorization when they are otherwise eligible. In one known case a Guatemalan woman was deported because her husband was waiting for citizenship for an unusually long time. There is great fluctuation with the time period that it takes to be called to a citizenship interview, the second interview, and the oath and in general with any paperwork submitted to the INS. The backlog in green card processing has begun to negatively affect future citizenship applications.

Mexican, Chinese, Iranian, Ethiopian, Indo-American, Russian, Korean, and Taiwanese focus groups all identified the long wait for citizenship and the difficulties of seniors in the process of naturalization as major concerns.

The Indo-American focus group identified the inordinate and lengthy procedures for citizenship applications as an issue impacting the Indo-American community. Two focus group participants stated, “Our citizenship application has taken more than five years, even though we have submitted all the necessary documents”.

The Mexican senior focus group identified the long waiting period, the process of being fingerprinted multiple times instead of once, and the English requirement as barriers to citizenship and improving their lives.

A survey of citizenship services providers in Santa Clara County found that the issue of the INS backlog has not been adequately addressed. Although there has been a reduction in the backlog for new applicants, there are still applicants who have waited for more than three years. There is inconsistency in the time periods when people are called for their interview, and the waiting period for citizenship often varies. Many times the waiting period is reduced to an acceptable time period and within a short time frame it is lengthened again.

**Recommendations for Finding 5:**

- All efforts must continue to be made by community leaders, policy makers, immigrant groups, businesses, immigrants, and advocacy groups to permanently reduce the citizenship and green card backlogs.
- As part of this effort, the INS should establish a full office in the San Jose region, the heart of immigration in Northern California.