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U.S. Naturalization Policy

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Summary

Naturalization is the process that grants U.S. citizenship to lawful permanent residents (LPRs) who fulfill requirements established by Congress and enumerated in the Immigration and Nationality Act (INA). In general, U.S. immigration policy gives all LPRs the opportunity to naturalize, and doing so is voluntary. To qualify for citizenship, LPRs in most cases must have resided continuously in the United States for five years, show they possess good moral character, demonstrate English language ability, and pass a U.S. government and history examination, which is part of their naturalization interview. The INA waives some of these requirements for applicants over age 50 with 20 years of U.S. residency, those with mental or physical disabilities, and those who have served in the U.S. military.

Naturalization is often viewed as a milestone for immigrants and a measure of their civic and socioeconomic integration to the United States. Naturalized immigrants gain important benefits, including the right to vote, security from deportation in most cases, access to certain public-sector jobs, and the ability to travel with a U.S. passport. U.S. citizens are also advantaged over LPRs for sponsoring relatives to immigrate to the United States.

During the past three decades, the number of LPRs who submitted naturalization applications has varied over time, ranging from a low of about 207,000 applications in FY1991 to a high of 1.4 million in FY1997. In FY2020, 967,755 LPRs submitted naturalization applications. The number of individuals who have recently applied for citizenship remains well below the estimated population of 9.2 million LPRs who were eligible to naturalize in 2019. The percentage of foreign-born individuals who are naturalized varies by several factors, including country of origin. Immigrants from Honduras, Guatemala, El Salvador, Mexico, and Brazil have the lowest percentages of naturalized foreign born, while those from Vietnam, Iran, Poland, and the Philippines have the highest.

Research on determinants of naturalization suggests that the propensity to naturalize is positively associated with length of U.S. residence, educational attainment, and income. Those who immigrate as refugees and asylees and those who immigrate through employment-based visas are more likely to naturalize than those who immigrate as relatives of U.S. residents. Immigrants from countries with less democratic or more oppressive political systems are more likely to naturalize than those from more democratic nations.

Access to naturalization may be of interest to Congress. Some contend, and empirical research has demonstrated, that current filing fees pose barriers to naturalization for some eligible LPRs. However, U.S. Citizenship and Immigration Services (USCIS), a fee-funded agency, relies on these fees to cover its operating costs. Naturalization fees have increased approximately 800% in the past three decades, from $90 in 1991 to $725 currently. A planned increase to $1,245 in 2020 through a USCIS fee regulation was blocked by court injunctions.

Support for English language acquisition and civics education to meet the statutory requirements for naturalization are another potential area of interest. Congress appropriates annual grant funding to support these initiatives, and some Members have expressed interest in augmenting support for language and civics instruction to promote naturalization. Others contend that English language proficiency and civics education are the responsibility of immigrants and not the federal government.

Potential congressional action on U.S. immigration laws could affect naturalization policy and the number of persons who naturalize each year. This may raise concerns regarding USCIS's ability to process potential applications—in recent years, average processing times for citizenship applications have increased, and the number of pending applications reached 942,669 at the end of FY2020.

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Introduction

Naturalization is the process by which an immigrant[1] attains U.S. citizenship after he or she fulfills requirements established by Congress and outlined in the Immigration and Nationality Act (INA). U.S. immigration policy gives all lawful permanent residents (LPRs) who meet the naturalization requirements the opportunity to become citizens.

Applying for citizenship is voluntary and represents an important milestone for immigrants. Naturalization and citizenship are generally viewed as a measure of immigrants' socioeconomic, political, and civic integration to the United States.[2] The policy manual of U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (DHS) states

> United States citizenship is a unique bond that unites people around civic ideals and a belief in the rights and freedoms guaranteed by the U.S. Constitution. The promise of citizenship is grounded in the fundamental value that all persons are created equal and serves as a unifying identity to allow persons of all backgrounds, whether native or foreign-born, to have an equal stake in the future of the United States.[3]

Naturalization requirements include U.S. residence (typically five years), good moral character, demonstrated English proficiency, and a basic knowledge of U.S. civics and history.[4] (See "Naturalization Requirements," below.)

Naturalized immigrants gain certain benefits available only to U.S. citizens, including the right to vote, security from deportation, access to certain public-sector jobs, federal means-tested benefits, and the ability to travel abroad on a U.S. passport.[5] U.S. citizens are also advantaged over LPRs for sponsoring relatives to immigrate to the United States. Despite the benefits of naturalization, an estimated 9.2 million LPRs who are eligible have not done so as of 2019.[6]

This report reviews the requirements for naturalization and the rights that come with it. It examines the naturalization process, discusses recent trends regarding who, among the roughly 1 million immigrants entering the United States each year, ultimately becomes a U.S. citizen, and discusses recent naturalization-related policy issues.

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[1] Immigrant refers to a foreign national admitted to the United States as a lawful permanent resident (LPR).

[2] Irene Bloemraad, *Becoming a Citizen: Incorporating Immigrants and Refugees in the United States and Canada* (Berkeley and Los Angeles, CA: University of California Press, 2006) (hereinafter, "Bloemraad 2006"); National Academies of Sciences, Engineering, and Medicine, *The Integration of Immigrants into American Society* (National Academies Press, 2015) (hereinafter, "National Academies, 2015").

[3] U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, *USCIS Policy Manual*, Volume 12: Citizenship and Naturalization, Chapter 1.

[4] INA §§312, 316; 8 U.S.C. §§1423, 1427. Good moral character is defined in INA §101(f), 8 U.S.C. §1101(f).

[5] U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, *USCIS Policy Manual*, Volume 12: Citizenship and Naturalization, Part A, Chapter 1.

[6] Bryan Baker, *Estimates of the Lawful Permanent Resident Population in the United States and the Subpopulation Eligible to Naturalize: 2015-2019*, U.S. Department of Homeland Security, Office of Immigration Statistics, September 2019 (hereinafter, "Baker, 2019").

Impacts of Naturalization

Rights and Benefits of Citizenship

The Constitution and laws of the United States give many of the same rights to both noncitizens and U.S. citizens living in the United States. However, only U.S. citizens may

- vote in federal, state, and local elections; [7]
- receive U.S. citizenship for their minor children born abroad;
- travel with a U.S. passport and receive diplomatic protection from the U.S. government while abroad;
- meet the citizenship requirement for federal and many state and local civil service employment and certain law enforcement jobs;
- receive the full range of federal public benefits and certain state benefits;
- participate in a jury; and
- run for elective office where citizenship is required.[8]

U.S. citizens may also sponsor a broader range of family members living abroad for legal permanent residence (i.e., married minor and adult children, and siblings) than LPRs. U.S. citizens may sponsor certain relatives for legal permanent residence—spouses, minor unmarried children, and parents—regardless of numerical limits established in the INA. As such, their sponsored immediate relatives may immigrate to the United States without having to wait for a numerically limited preference visa to become available. In contrast, LPRs must sponsor relatives for LPR status within numerically limited family preference categories that require waiting for a visa.[9]

Other benefits of naturalization include access to public benefits which may be restricted to only U.S. citizens or may require five to seven years of LPR status. Access to state and local public benefits according to legal status varies by state.[10]

In addition, researchers have found that naturalization is associated with beneficial economic outcomes for immigrants who become citizens. These include increased earnings and homeownership and lower levels of poverty, even when controlling for other factors such as age, education, sex, and race and ethnicity. [11]

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[7] Some localities allow noncitizens to vote, for example, in local school board elections. See Kimia Pakdaman, "Noncitizen Voting Rights in the United States," *Berkeley Public Policy Journal*, Spring 2019, at https://bppj.berkeley.edu/2019/03/04/spring-2019-journal-noncitizen-voting-rights-in-the-united-states/.

[8] U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, *USCIS Policy Manual*, Volume 12: Citizenship and Naturalization, at https://www.uscis.gov/policy-manual/volume-12-part-a-chapter-2.

[9] For further discussion, see CRS Report R43145, *U.S. Family-Based Immigration Policy*.

[10] For more information, see CRS Report RL33809, *Noncitizen Eligibility for Federal Public Assistance: Policy Overview*.

[11] María E. Enchautegui and Linda Giannarelli, "The Economic Impact of Naturalization on Immigrants and Cities," Urban Institute, 2015, at https://www.urban.org/sites/default/files/publication/76241/2000549-The-Economic-Impact-of-Naturalization-on-Immigrants-and-Cities.pdf (hereinafter, "Enchautegui and Giannarelli, 2015"). Manuel Pastor and Justin Scoggins, "Citizen Gain: The Economic Benefits of Naturalization for Immigrants and the Economy," Center for the Study of Immigrant Integration, University of Southern California, December 2012 (hereinafter, "Pastor and Scoggins, 2012"); Heidi Shierholz, "The Effects of Citizenship on Family Income and Poverty," Briefing Paper,

Citizenship is permanent and relieves one of the continuous residency requirements LPRs must meet to maintain their legal status[12] as well as to preserve their option to naturalize (see "Continuous Residence," below). Except for acts that bear on the integrity of the naturalization process itself, citizenship through naturalization is as secure as citizenship acquired at birth (see "Dual Citizenship," below).

Outcomes for the United States

The United States benefits from having eligible foreign-born persons naturalize and acquire U.S. citizenship. By naturalizing, the foreign born are able to vote in public elections, participate in jury duty, and run for elective office where citizenship is required. Symbolically and legally, naturalization represents an individual's commitment to his or her new country, sufficiently so that Congress has sometimes introduced legislation to facilitate naturalization and discourage dual citizenship (see "Dual Citizenship," below).

In addition to greater civic participation and commitment, as mentioned above, empirical research offers evidence of economic benefits to the foreign born who naturalize, including higher earnings. These earnings gains from naturalization translate to greater city, state, and federal tax revenues.[13] Such impacts can be considerable when aggregated to the national level.[14]

Naturalization Requirements

To qualify for U.S. citizenship, LPRs must meet certain requirements.[15] They must

- be at least 18 years of age;
- reside continuously in the United States for five years (three years for spouses of U.S. citizens);
- be of good moral character;
- demonstrate the ability to read, write, speak, and understand English;
- pass an examination on U.S. government and history; and
- be willing and able to take the naturalization Oath of Allegiance.

USCIS is responsible for reviewing all naturalization applications to ensure applicants meet U.S. citizenship eligibility requirements.[16] This assessment includes security and criminal background checks, a review of the applicant's entire immigration history, an in-person interview, and English language and civics exams. Applicants bear the burden of proof to demonstrate that they entered the United States lawfully.[17] Upon approval, they must take an oath of allegiance to the United

Economic Policy Institute, February 24, 2010, at https://www.epi.org/publication/bp256/.

[12] Most non-U.S. citizens must report a change of address within 10 days of moving within the United States or its territories. INA §265(a), 8 U.S.C. §1305.

[13] Enchautegui and Giannarelli, 2015.

[14] Pastor and Scoggins, 2012.

[15] For more detailed information about these requirements for naturalization, see 8 C.F.R. §316.

[16] INA §335, 8 U.S.C. §1446.

[17] INA §318, 8 U.S.C. §1429.

States and renounce allegiance to any foreign state.[18] Persons whose naturalization applications have been denied may request a hearing before an immigration officer.[19]

Continuous Residence

To be naturalized, an applicant generally must have *resided continuously* for at least five years within the United States after being lawfully admitted for permanent residence and prior to the date he or she filed a naturalization application. For periods totaling at least half of that time, the individual must have been *physically present* in the United States. The individual also must have lived for at least three months within the State or district in which he or she filed the application.[20]

The period of continuous residence required for naturalization is broken by an absence of over a year unless the LPR is employed abroad by the U.S. government, an international organization, an American research institute, or an American company engaged in foreign trade. An absence of between six months and one year presumptively breaks continuous residence unless the applicant can establish that he or she did not abandon U.S. residence during that period.[21]

Certain classes of LPRs either are exempt from the residency requirement or are subject to shorter residency periods.[22] Unmarried children under age 18 living with a citizen parent are exempt from any residency requirement.[23] The residency requirement for spouses of American citizens is three years instead of five years, and the physical presence requirement is one and a half years.[24] Residency requirements also are modified for other special classes.[25]

Good Moral Character

To be eligible for naturalization, applicants must demonstrate that they have been persons of good moral character during the applicable statutory period (five years in most cases) preceding the filing of their naturalization application.[26] The definition of good moral character can be found not in the INA but in case law interpretation. However, the INA bars a finding of good moral character if a naturalization applicant, over the course of the applicable statutory period, commits

[18] INA §337, 8 U.S.C. §1448.

[19] INA §336, 8 U.S.C. §1447.

[20] INA §316(a), 8 U.S.C. §1427(a).

[21] INA §316(b), 8 U.S.C. §1427(b).

[22] Residency requirements are not applied to children adopted by U.S. citizens (INA §320), those who served honorably in the U.S. Armed Forces during peacetime for periods totaling at least one year (INA §328), or those who served honorably during a designated period of military hostilities for any period of time (INA §329). Individuals whom USCIS determines have made extraordinary contributions to national security may be naturalized without regard to these residency requirements provided they have resided continuously in the United States for at least one year. This clause is limited to five individuals per year (INA §316(f)). A similar rule applies to persons authorized to be temporarily absent in order to perform ministerial or priestly functions of a bona fide religious organization (INA §317).

[23] INA §322, 8 U.S.C. §1433.

[24] INA §319(a), 8 U.S.C. §1430(a).

[25] INA §319(a), 8 U.S.C. §1430(a). For example, an individual's absence from the United States due to his or her work with the Chief of Mission or U.S. Armed Forces as a translator or interpreter, some of which work was done in Iraq or Afghanistan, will not be considered a break in U.S. continuous residence for purposes of naturalization (P.L. 109-163, §1059(e)).

[26] In determining good moral character, the Attorney General is not limited to the applicant's conduct and acts during the five years preceding application but may also take into consideration behavior at any time prior to the applicable statutory period. INA §316(e) and 8 C.F.R. 316.10(a)(2).

certain crimes or engages in certain illegal or what are generally considered immoral acts and behaviors.[27]

Anyone convicted of murder at any time or of an aggravated felony on or after November 29, 1990, is statutorily barred from naturalization.[28] Aggravated felonies according to the INA include murder, rape, or sexual abuse of a minor; illegal trafficking in firearms or in a controlled substance; supervising a prostitution business; receiving stolen property; and, fraud or deceit in which the victims' losses exceed $10,000, among other offenses.[29]

The USCIS naturalization examiner may go beyond what is specified in the INA to assess good moral character. For example, failure to pay child support may be a significant factor. Although adultery was removed as a statutory bar to naturalization in 1981, it may still be a basis for denying an application under certain conditions.[30] The INA prohibits naturalization of persons opposed to government law, persons who favor totalitarian forms of governance,[31] and deserters from the Armed Forces.[32]

English Language Proficiency and Civics Knowledge

During applicants' eligibility interviews for naturalization, they must pass English language and civics tests. The law requires that persons wishing to be naturalized demonstrate an understanding of English, specifically an ability to read, write, and speak words in ordinary usage in the English language.[33] The language requirement is waived for those who are at least 50 years old and have lived in the United States as an LPR at least 20 years, or who are at least 55 years old and have lived in the United States as an LPR for at least 15 years.[34] Individuals for whom the language requirement is waived may take the civics test in their native language.[35]

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[27] The INA and Code of Federal Regulations specifies examples of lack of good moral character as the following: conviction of murder or an aggravated felony; committing crimes involving moral turpitude or two or more offenses for which the aggregate sentence was five years or more; violating any controlled substance law of the United States, any State, or any foreign country; habitual drunkenness; illegal gambling; prostitution; polygamy (marriage to more than one person at the same time); lying to gain immigration benefits; failing to pay court-ordered child support or alimony payments; confinement in jail, prison, or similar institution for which the total confinement was 180 days or more during the past five years (or three years if applying based on marriage to a United States citizen); failing to complete any probation, parole, or suspended sentence before applying for naturalization; terrorist acts; persecution of anyone because of race, religion, national origin, political opinion, or social group. Drug convictions for a single instance of simple marijuana possession of 30 grams or less are excepted. INA §101(f), 8 C.F.R. §316.10.

[28] 8 C.F.R. §316.10(b)(1).

[29] INA §101(a)(43), 8 U.S.C. §1101(a)(43).

[30] 8 C.F.R. §316.10(b)(3). For a comprehensive list and descriptions of conditional bars to establishing good moral character, see *USCIS Policy Manual*, Volume 12, Part F, Chapter 5, at https://www.uscis.gov/policy-manual/volume-12-part-f-chapter-5.

[31] INA §313, 8 U.S.C. §1424. See C.F.R. §316.11 which states that naturalization applicants must demonstrate "a depth of conviction that would lead to active support of the Constitution."

[32] INA §314, 8 U.S.C. §1425.

[33] INA §312(a)(1), 8 U.S.C. §1423(a)(1).

[34] INA §312(b)(2), 8 U.S.C. §1423(b)(2).

[35] Individuals taking the test in their native language must bring an interpreter with them to the interview. See U.S. Citizenship and Immigration Services, "Exceptions and Accommodations," at https://www.uscis.gov/citizenship/exceptions-and-accommodations.

The civics test fulfills a statutory requirement for naturalized citizens to demonstrate an understanding of the history, principles, and form of government of the United States.[36] The exam is an oral test administered by a USCIS officer during the eligibility interview. USCIS has discretion over the test questions and periodically makes updates to the test. Applicants have two opportunities to pass the test. They may retake a failed portion of the test between 60 and 90 days from the date of the initial interview.[37] The pass rate for the English and civics components of the naturalization test was 91% as of December 2020.[38]

Special consideration on the civics requirement is given to individuals who are over 65 years and have lived in the United States for at least 20 years.[39] These individuals may take a modified, shorter version of the test. Both the language and civics requirements are waived for those unable to comply because of physical or developmental disabilities or mental impairment.[40] LPRs who serve in the U.S. military are eligible for expedited processing and waivers of certain requirements (see "Military Naturalizations," below).

On December 1, 2020, USCIS implemented a new version of the civics test, which had been last updated in 2008. The 2020 version had the same "pass" score of 60% but required individuals to answer 12 of 20 questions, an increase in the number of questions to be answered from the prior 6 of 10 questions. It also increased the pool of all possible questions from 100 to 128. USCIS stated that the revision was undertaken "as part of a decennial update to ensure that it remains an instrument that comprehensively assesses applicants' knowledge of American history, government and civic values."[41]

Some stakeholders argued that the new test format and questions would pose a barrier to naturalization.[42] In February 2021, President Joe Biden issued an executive order directing agencies to comprehensively review naturalization processes, including the civics and English language tests.[43] Subsequently, USCIS rescinded the new exam and reverted to the previous version from 2008, stating it had determined that the 2020 test "may inadvertently create potential barriers to the naturalization process."[44]

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[36] INA §312(a)(2), 8 U.S.C. §1423(a)(2).

[37] U.S. Citizenship and Immigration Services, "The 2020 Version of the Civics Test," December 10, 2020, at https://www.uscis.gov/citizenship/2020test.

[38] U.S. Citizenship and Immigration Services, "Applicant Performance on the 2008 Naturalization Test," January 27, 2021, at https://www.uscis.gov/citizenship/learn-about-citizenship/the-naturalization-interview-and-test/applicant-performance-on-the-naturalization-test.

[39] INA §312(b)(3), 8 U.S.C. §1423(b)(3).

[40] INA §312(b), 8 U.S.C. §1423(b).

[41] U.S. Citizenship and Immigration Services, "USCIS Announces a Revised Naturalization Civics Test," news release, November 13, 2020, at https://www.uscis.gov/news/news-releases/uscis-announces-a-revised-naturalization-civics-test.

[42] Simon Romero and Miriam Jordan, "New U.S. Citizenship Test Is Longer and More Difficult," *The New York Times*, December 3, 2020, at https://www.nytimes.com/2020/12/03/us/citizenship-test.html.

[43] Executive Order 14012, "Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans," 86 *Federal Register* 8278, February 5, 2021 (hereinafter, "Executive Order 14012, 2021).

[44] U.S. Citizenship and Immigration Services, "USCIS Reverts to the 2008 Version of the Naturalization Civics Test," news release, February 22, 2021, at https://www.uscis.gov/news/news-releases/uscis-reverts-to-the-2008-version-of-the-naturalization-civics-test. Applicants who filed their Form N-400 between December 1, 2020, and February 28, 2021, and are scheduled for an examination before April 19, 2021, may choose which version (2008 or 2020) they take. Applicants who filed on or after March 1 or whose exams are scheduled on or after April 19, 2021, are to take the 2008 version.

The Naturalization Process

Application Procedures

The naturalization process begins when applicants file the USCIS Form N-400, Application for Naturalization with USCIS along with a $640 filing fee and $85 biometric fee.[45] Following formal acknowledgement of receipt of the application, USCIS instructs applicants to attend a mandatory biometrics appointment to have their fingerprints, photograph, and signature recorded. Individuals undergo a background check to establish eligibility; USCIS checks fingerprints against federal databases to see whether the individual has been arrested or convicted of a crime, deported, involved with terrorist activities, or has used other identities.[46]

USCIS then schedules interviews with the applicants. During the interview, applicants are questioned about their application and background and tested on their English ability and civics knowledge (see the "English Language Proficiency and Civics Knowledge" section).

Those who pass their interviews and exams become American citizens upon taking the Oath of Allegiance to the United States in a naturalization ceremony,[47] which can occur either the same day or in a ceremony at a later date. At the time of the naturalization ceremony, LPRs are expected to bring several USCIS documents, including their Permanent Resident Card ("green card") which they must return to USCIS.[48] After an LPR has taken the Oath, USCIS issues a Form N-550, Certificate of Naturalization to document the individual's new status as a U.S. citizen.[49] Newly naturalized citizens are instructed to update their Social Security record at a local Social Security Administration office. They are also encouraged to apply for a U.S. passport, register to vote, and obtain certificates of citizenship for their children.[50]

Children's Citizenship and Naturalization

The INA specifies different requirements for a child to obtain citizenship through his or her parents, which may be obtained at birth or after birth and before the age of 18.

[45] Lawful Permanent Residents may also apply for a *Declaration of Intention* to become a U.S. citizen (USCIS Form N-300). This form is not required for naturalization, but may be required by some states for conducting certain business with that State. Filing the N-300 does not grant citizenship or nationality or the rights that come with them.

[46] Michael T. Dougherty, "Annual Report 2020, Citizenship and Immigration Services Ombudsman," Department of Homeland Security, June 30, 2020, at https://www.dhs.gov/sites/default/files/publications/20_0630_cisomb-2020-annual-report-to-congress.pdf (hereinafter, "Dougherty, 2020").

[47] See U.S. Citizenship and Immigration Services, "Naturalization Oath of Allegiance to the United States of America, at https://www.uscis.gov/citizenship/learn-about-citizenship/the-naturalization-interview-and-test/naturalization-oath-of-allegiance-to-the-united-states-of-america.

[48] USCIS Form N-445 provides specific documentation requirements.

[49] INA §§338, 341, 8 U.S.C. §§1449, 1452, and C.F.R. §§338.1-338.5. In July 2013, USCIS announced it would begin issuing redesigned certificates for citizenship and naturalization for individuals who request replacement certificates. According to USCIS, the replacement certificates incorporate state-of-the-art technology to help deter counterfeiting, prevent tampering, and facilitate quick and accurate authentication. See U.S. Citizenship and Immigration Services, "USCIS Redesigns Replacement Citizenship and Naturalization Certificates," press release, July 1, 2013.

[50] U.S. Citizenship and Immigration Services, "Important Information for New Citizens," Form M-767, August 2019.

A child born in the United States automatically acquires U.S. citizenship regardless of the legal status of his or her parents based on the principle of *jus soli*,[51] codified in the Citizenship Clause of the Fourteenth Amendment of the U.S. Constitution and Section 301(a) of the INA.[52]

For children born outside the United States, the INA enumerates a number of different circumstances for citizenship acquisition depending on the citizenship status of the parent(s) and the residence of the parent(s) and child, as specified in **Table 1**.

Table 1. Requirements for U.S. Citizenship Acquisition for Children Born Outside the United States

Circumstances	Timing of Citizenship Acquisition	Requirements	Relevant Section of INA
Children born to two U.S. citizen parents[a]	At birth	Child acquires automatic citizenship at birth if at least one of the parents resided in the United States or one of its outlying possessions[b] prior to the birth.	INA §301(c)
Children born to one U.S. citizen parent and one U.S. national parent[c]	At birth	Child acquires automatic citizenship at birth if the U.S. citizen parent was physically present in the United States or one of its outlying possessions for a continuous period of at least one year prior to the child's birth.	INA §301(d)
Children born to one U.S. citizen parent and one noncitizen parent	At birth	Child acquires automatic citizenship at birth if the U.S. citizen parent was physically present in the United States or one of its outlying possessions for five years prior to the child's birth and at least two years after the parent's 14th birthday.	INA §301(g)
Children lawfully admitted for permanent residence and residing in the United States[d]	After birth; before age 18	Child acquires automatic citizenship if the following conditions are met: (1) at least one parent, including an adoptive parent, is a U.S. citizen by birth or naturalization; (2) the child is under 18 years of age; (3) the child is an LPR; and (4) the child is residing in the United States in the legal and physical custody of the citizen parent.[e]	INA §320(a)
Children residing outside the United States	After birth; before age 18	Child may become a citizen if the following conditions are met: (1) at least one parent, including an adoptive parent, is a U.S. citizen by birth or naturalization; (2) the U.S. citizen parent has resided for at least five years in the United States, of which at least two years were after the parent's 14th birthday; (3) the child is under 18 years of age; (4) the child is residing outside of the United States in the legal and physical custody of the citizen parent; and (5) the child has been lawfully admitted temporarily to the United States and remains in lawful status.	INA §322(a)

Source: CRS analysis of the Immigration and Nationality Act.

a. These provisions apply to children born abroad in wedlock; the INA enumerates additional requirements for children born out-of-wedlock to one U.S. citizen parent and one noncitizen parent. See INA §§309(a), 309(c) and 8 FAM 304.

b. Outlying possessions are American Samoa and Swains Island (INA §101(a)(29); 8 U.S.C. §1101(a)(29)).

[51] *Jus soli* is the principle that a person acquires citizenship in a nation by virtue of his birth in that nation or its territorial possessions. Black's Law Dictionary 775 (5th Ed. 1979); entry for "jus soli."

[52] For additional information, see CRS Legal Sidebar LSB10214, *The Citizenship Clause and "Birthright Citizenship": A Brief Legal Overview*.

c. Individuals born in outlying possessions of the United States to parents who are noncitizen nationals are considered U.S. nationals but not U.S. citizens (INA §308; 8 U.S.C. §1408). Children born in an outlying possession of the United States receive automatic citizenship under INA §301(e) if at least one U.S. citizen parent was physically present in the United States or one of its outlying possessions for a continuous period of one year prior to the child's birth.

d. Children generally become LPRs as derivative beneficiaries of a parent who receives LPR status (e.g., through family-sponsored or employment-based preference categories.) For more information, see CRS Report R42866, *Permanent Legal Immigration to the United States: Policy Overview*.

e. These provisions apply only for children born on or after February 27, 2001, per the Child Citizenship Act of 2000 (P.L. 106-395). For children born earlier, the law in effect at the time the fourth condition was met before reaching age 18 is the relevant law to determine whether they acquired citizenship.

In 2020, special provisions for the residence requirement under INA Section 320(a) were made for the children of U.S. military members and government employees under the Citizenship for Children of Military Members and Civil Servants Act.[53] Under this law, a child born outside of the United States acquires automatic citizenship, even if the child is residing outside the United States, in cases where the child is an LPR and is in the legal and physical custody of his or her U.S. citizen parent who is

- stationed and residing outside of the United States as a member of the U.S. Armed Forces;
- stationed and residing outside of the United States as an employee of the U.S. government; or
- the spouse residing outside the United States who is married to a U.S. Armed Forces member or U.S. government employee who is stationed outside the United States.[54]

Military Naturalizations[55]

The INA contains several provisions facilitating the application and naturalization process for foreign-born military personnel of most branches of the U.S. Armed Forces and recently discharged members.[56] The Secretary of Defense is required to ensure that LPR members of the Armed Forces are informed of the availability of naturalization through military service and the naturalization process and to ensure resources are available to assist eligible servicemembers to navigate the process.[57] Requirements and qualifications (see "Naturalization Requirements") for

[53] P.L. 116-133.

[54] INA §320(c), 8 U.S.C. §1431(c).

[55] Portions of this section were taken from CRS In Focus IF10884, *Expedited Citizenship through Military Service*.

[56] Qualifying branches include Army, Navy, Air Force, Marine Corps, Coast Guard, and certain National Guard organizations that are recognized as reserve components of the U.S. Armed Forces. 8 C.F.R. §328.1. Under 10 U.S.C. §504(b)(1), only citizens and noncitizen nationals of the United States; lawful permanent resident aliens; and certain nationals of the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau who are admissible as nonimmigrants under the Compacts of Free Association with those nations, are eligible to enlist in the Armed Forces. However, under 10 U.S.C. §504(b)(2), the Secretary of any U.S. Armed Force may authorize the enlistment of an alien "if the Secretary determines that such person possesses a critical skill or expertise that is vital to the national interest and that the person will use in the primary daily duties of that person as a member of the armed forces." 10 U.S.C. §504(b)(3)(B) limits the Secretary to 1,000 such enlistments in a calendar year per military department unless "the Secretary of Defense submits to Congress written notice of the intent of that Secretary concerned to authorize more than 1,000 such enlistments in a calendar year; and a period of 30 days has elapsed after the date on which Congress receives the notice."

[57] P.L. 115-91.

military naturalizations are similar to general naturalization requirements, but military personnel are exempt from residence and physical presence requirements.[58]

The INA distinguishes between peacetime and wartime service.[59] For current or past *peacetime* military service, naturalization applicants are not required to meet the naturalization residency requirements if they apply while still in the service or within six months of discharge.[60] The applicant must have served honorably in the U.S. Armed Forces for at least one year and must be LPRs. Military naturalization applicants are exempt from USCIS naturalization fees.[61]

For current or past *wartime* military service during periods of designated military hostilities,[62] naturalization applicants are also not required to meet the naturalization residency requirements, but there are no conditions regarding the timing of the applicability of this exemption.[63] Spouses of U.S. Armed Forces personnel stationed overseas who apply for naturalization may have their time abroad counted as residence and physical presence in the United States and may complete the naturalization process abroad. Similar provisions apply to children of U.S. Armed Forces personnel.

During a period of military hostilities, members of the Armed Forces who serve honorably for any period of time may qualify for naturalization. Those who have separated from military service must have been discharged under honorable conditions.[64] Applicants are not required to be LPRs, as long as they were physically present in the United States[65] at the time of their enlistment or reenlistment.[66]

As of July 2002, noncitizens serving honorably in the U.S. Armed Forces on or after September 11, 2001, may file for citizenship under wartime conditions.[67] Military naturalizations increased substantially following the executive order, growing more than four-fold, from FY2002 to FY2004 (**Figure 1**).

[58] INA §§328, 329, 8 U.S.C. §§1439, 1440.

[59] Wartime service refers to a designated period in which the Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force. INA §329(a), 8 U.S.C. §1440(a).

[60] INA §328, 8 U.S.C. §1439.

[61] INA §328(b)(4), 8 U.S.C. §1439(b)(4) and 8 U.S.C. §1440e.

[62] Wartime military service refers to a designated period of military hostilities, defined under INA §329(a) as a period during which the President designates by executive order a period in which the U.S. Armed Forces are or were engaged in military operations involving armed conflict with a hostile foreign force. Such designated periods include Sept. 1, 1939-Dec. 31, 1946; June 25, 1950-July 1, 1955; Feb. 28, 1961-Oct. 15, 1978; Aug. 2, 1990-April 11, 1991; and Sept. 11, 2001-present.

[63] INA §329, 8 U.S.C. §1440.

[64] Citizenship obtained through military service may be revoked if the individual obtaining it separates from the military under "other than honorable conditions" before completing five years of honorable service. INA §§328(f), 329(c), 340.

[65] In this case, the United States includes the Canal Zone, American Samoa, and Swains Island.

[66] INA §329(a), 8 U.S.C. §1440(a). If such naturalization applicants are LPRs, they are not required to be present in the United States at the time subsequent to their enlistment.

[67] INA §329. In Executive Order 13269, former President George W. Bush officially designated the period beginning on September 11, 2001, as a "period of hostilities," which triggered immediate naturalization eligibility for active-duty U.S. military servicemembers. This executive order signed on July 3, 2002, also covers veterans of selected past wars and conflicts.

Figure 1. Military Naturalizations, FY2000-FY2019

Source: Department of Homeland Security, *Yearbook of Immigration Statistics*, Table 20, multiple years.

Military naturalizations also increased sharply from FY2007 to FY2010—from 3,808 to 9,122 (**Figure 1**)—facilitated by DOD and USCIS initiatives. In 2008, DOD authorized the Military Accessions Vital to the National Interest (MAVNI) program. MAVNI allowed the Armed Forces to recruit certain lawfully present foreign nationals whose skills—either in medical specialties or in certain languages—were deemed vital to the national interest. Qualified applicant categories included refugees, holders of Temporary Protected Status (TPS), beneficiaries of the Deferred Action for Childhood Arrivals (DACA) program, and a range of nonimmigrant categories. Approved MAVNI applicants who then met the conditions for expedited naturalization through military service, as described above, could immediately apply for U.S. citizenship. In 2009, USCIS implemented the *Naturalization at Basic Training Program*, which offered enlistees the option to naturalize upon graduation from basic training.[68]

Military naturalizations have decreased substantially since FY2016, which may be attributable to several factors. In 2016, the military services stopped accepting new applicants to the MAVNI program and did not renew the program in 2017. In 2017, DOD implemented additional background investigation and security review requirements for noncitizen recruits.[69] A report from the Government Accountability Office states, "due to backlogs in the background check process, these new recruits were delayed in beginning their service, and officials stated that it may take DOD up to a year to complete enhanced requirements for certain recruits."[70] DOD's

[68] Department of Homeland Security, U.S. Citizenship and Immigration Services, *Annual Report 2012, Citizenship and Immigration Services Ombudsman*, June 25, 2012, p. 23.

[69] 10 U.S.C. §504(b)(3)(A) states that no person enlisting under MAVNI "may report to initial training until after the Secretary concerned has completed all required background investigations and security and suitability screening as determined by the Secretary of Defense regarding that person."

[70] U.S. Government Accountability Office, *Immigration Enforcement: Actions Needed to Better Handle, Identify, and*

2017 guidance also required completion of basic training and six months of active duty service (inclusive of basic training) to qualify for an honorable service determination. However, a 2020 opinion by the U.S. District Court for the District of Columbia vacated the minimum service requirements.[71] In 2018, USCIS ended the *Naturalization at Basic Training Program*.[72] By FY2019, military naturalizations fell to 3,670 (**Figure 1**).

Posthumous citizenship is available for individuals whose death resulted from injury or disease incurred on active duty with the U.S. Armed Forces during specified periods of military hostilities. Surviving spouses and children of deceased servicemembers who qualify for posthumous citizenship may be eligible for certain immigration benefits under the INA.[73]

Naturalization Oath of Allegiance

An individual seeking to become a naturalized citizen must take the Naturalization Oath of Allegiance to the United States of America before citizenship can be granted:

> 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 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 of the United States when required by law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely, without any mental reservation or purpose of evasion; so help me God.[74]

In addition, naturalization applicants must renounce any hereditary titles or orders of nobility in a foreign state.[75] The oath of allegiance may be modified for conscientious objectors to military service or for individuals preferring to affirm (instead of swear to) the substance of the oath.[76]

Applicants for naturalization may choose to have the oath administered either by USCIS (Department of Homeland Security) or an immigration judge (Department of Justice).[77] They

Track Cases Involving Veterans, GAO-19-416, June 2019, p. 21, at https://www.gao.gov/assets/gao-19-416.pdf.

[71] Patricia Kime and Richard Sisk, "Judge Strikes down Minimum Service Requirement for Troops Applying for US Citizenship," *Military.com*, August 26, 2020, at https://www.military.com/daily-news/2020/08/26/judge-strikes-down-minimum-service-requirement-troops-applying-us-citizenship.html.

[72] Vera Bergengruen, "The US Army Promised Immigrants a Fast Track for Citizenship. That Fast Track Is Gone," *BuzzFeed News*, March 5, 2018, at https://www.buzzfeednews.com/article/verabergengruen/more-bad-news-for-immigrant-military-recruits-who-were.

[73] INA §329A, 8 U.S.C. §1440-1, and USCIS Policy Manual, Chapter 8—Posthumous Citizenship.

[74] 8 C.F.R. §337.1. Language of the oath is closely based upon the statutory elements in INA §337(a). For more information on the naturalization ceremony see U.S. Citizenship and Immigration Services, "Naturalization Ceremonies," July 5, 2020, at https://www.uscis.gov/citizenship/learn-about-citizenship/naturalization-ceremonies.

[75] 8 C.F.R. §337.1(d).

[76] INA §337, 8 U.S.C. §1448. See also 8 C.F.R. §337.1.

[77] 8 C.F.R. §337.2. INA §310 confers upon the Attorney General and USCIS the authority to naturalize persons as citizens of the United States unless applicants are subject to the exclusive oath administration authority of an eligible court per INA §310(b), 8 U.S.C. §1421(b).

must appear in person in a public ceremony,[78] which must be held as frequently as necessary to ensure timely naturalization.[79]

Dual Citizenship

Dual citizenship refers to an individual's possession of citizenship for two countries at the same time. Each country has its own citizenship laws that define the nationality status of its citizens.[80] Because such laws generally do not coincide, persons may have dual nationality by automatic operation of different laws rather than by choice. For example, a child born in a foreign country to U.S. citizen parents may be both a U.S. citizen and a citizen of the country of birth. Likewise, a child born in the United States to foreign-born parents not only acquires U.S. citizenship at birth but may also acquire the citizenship of his or her parents. For a variety of reasons, a number of countries such as Mexico, Colombia, and Brazil have facilitated dual citizenship by passing laws permitting their expatriates the right to naturalize in other countries without losing citizenship from their countries of origin.[81]

The United States has no authority to prohibit another country from continuing to treat an individual as its citizen. However, the United States considers that person, upon naturalization, to have renounced other citizenships and to be only a U.S. citizen.

Loss of Citizenship

U.S. citizens may lose their citizenship in two ways: voluntarily, through expatriation, or involuntarily, through denaturalization.

Expatriation

A U.S. citizen may lose citizenship through expatriating acts, including

- voluntary naturalization in a foreign country after age 18;
- making a formal declaration of allegiance to a foreign country after age 18;
- serving in the armed forces of a foreign country engaged in hostilities against the United States;
- serving in the armed forces of a foreign country as an officer;
- holding an office under the government of a foreign country if foreign nationality is acquired or if a declaration of allegiance is required;

[78] Due to the COVID-19 pandemic, USCIS temporarily suspended naturalization ceremonies in March 2019 but fully resumed them, with some modifications, in June 2019. See U.S. Citizenship and Immigration Services, "USCIS to Celebrate Independence Day by Hosting Naturalization Ceremonies Across the Country," July 1, 2020, at https://www.uscis.gov/news/news-releases/uscis-to-celebrate-independence-day-by-hosting-naturalization-ceremonies-across-the-country.

[79] 8 C.F.R. §337.2(a). Applicants may be granted an expedited oath under certain circumstances. 8 C.F.R. §337.3.

[80] U.S. Department of State, "Dual Nationality," 2021, at https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/Advice-about-Possible-Loss-of-US-Nationality-Dual-Nationality/Dual-Nationality.html.

[81] Scholars contend that many countries have become more tolerant of dual citizenship since World War II. See Peter J. Spiro, *At Home in Two Countries: The Past and Future of Dual Citizenship* (New York: NYU Press, 2016). Empirical research suggests that such legal changes in other countries have contributed to increasing levels of naturalization by reducing the penalty for naturalizing in the United States. See Francesca Mazzolari, "Dual Citizenship Rights: Do they Make More and Richer Citizens?," *Demography*, vol. 46, no. 1 (2009), pp. 169-191.

- renunciation of citizenship before a U.S. diplomatic or consular officer abroad;
- formal written renunciation of citizenship during a state of war if the Attorney General approves the renunciation as not contrary to the national defense; and
- conviction of treason, seditious conspiracy, or advocating violent overthrow of the government.[82]

The Supreme Court has held that expatriating acts alone are not sufficient for expatriation unless undertaken with intent to relinquish U.S. citizenship.[83] This restriction also has been enacted in statute.[84] The requisite intent to relinquish need not be expressed but may be inferred from the circumstances.[85]

Unlike citizenship revocation (see "Revocation," below), expatriation or loss of nationality does not have a retrospective effect. Hence, loss of citizenship through expatriation does not affect that of "derivative" citizens—spouses and children—who acquired their citizenship by virtue of their relationship with a "principal" citizen.[86]

Revocation

A naturalized citizen may be "denaturalized" (i.e., have his or her citizenship revoked) on the basis that the citizenship was procured illegally, by concealment of material fact, or by willful misrepresentation.[87] Various acts occurring after naturalization are considered evidence of misrepresentation or suppression at the time of naturalization. For example, if a naturalized citizen joins certain political or terrorist organizations within five years of becoming a citizen, and membership in that group would have precluded eligibility for naturalization under the INA, then the joining of the organization is held to be prima facie evidence raising a rebuttable presumption[88] that naturalization was obtained by concealing or misrepresenting how attached to the United States the citizen was when naturalized.[89] Naturalized citizens may have their citizenship revoked because of less than honorable discharge from the U.S. armed services.[90]

Citizenship revocation must be initiated by a U.S. district attorney and must occur in the district where the naturalized citizen resides.[91] If a naturalized citizen is convicted of knowingly procuring naturalization in violation of law, the court in which that conviction is obtained has jurisdiction to revoke that person's citizenship.[92] In both cases, the court in which the revocation

[82] INA §349, 8 U.S.C. §1481.

[83] Vance v. Terrazas, 444 U.S. 252 (1980).

[84] INA, §349(a), 8 U.S.C. §1481(a).

[85] For example, Richards v. Sec'y of State, 752 F.2d 1431 (9th Cir. 1985); Terrazas v. Haig, 653 F.2d 285 (7th Cir. 1981).

[86] Perkins v. Elg, 307 U.S. 325, 59 S. Ct. 884, 83 L. Ed. 1320 (1939).

[87] INA, §340(a), 8 U.S.C. §1451(a).

[88] A rebuttable presumption is an assumption made by a court that is taken to be true unless someone comes forward to contest it and prove otherwise.

[89] INA, §340(c), 8 U.S.C. §1451(c).

[90] INA, §329(c), 8 U.S.C. §1440(c).

[91] INA §340(a), 8 U.S.C. §1451(a). If the naturalized citizen does not reside in any judicial district in the United States at the time of the suit, proceedings may be instituted in the U.S. District Court for the District of Columbia or in the U.S. district court in which such person last had his or her residence. The naturalized citizen against whom such action is taken has 60 days in which to respond to the action.

[92] INA §340(e), 8 U.S.C. §1451(e).

occurs must cancel the certificate of naturalization and notify the Attorney General of that action. The holder of the certificate of naturalization must return it to the Attorney General.[93]

The effect of denaturalization is to divest a person of their status as a U.S. citizen and to return them to their former immigration status as a noncitizen. Once final, the denaturalization is effective as of the original date of the certificate of naturalization.[94]

Derivative citizens also lose their citizenship under these circumstances. If a principal immigrant's citizenship is revoked based on "procurement by concealment of a material fact or by willful misrepresentation," derivative citizens (i.e., their naturalized family members) also lose their citizenship *regardless of where they are living*.[95] If citizenship is revoked because of membership in a subversive organization[96] or less than honorable discharge from the Armed Forces,[97] derivative citizens lose their citizenship *only if they are living abroad*.[98]

In February 2020, the Department of Justice (DOJ) announced the establishment of a Denaturalization Section within its Office of Immigration Litigation dedicated to citizenship revocation investigations and litigation. DOJ stated that its Office of Immigration Litigation had a 95% success rate in denaturalization cases and that "the growing number of referrals anticipated from law enforcement agencies motivated the creation of a standalone section...."[99] In 2021, President Biden issued an executive order that directed federal agencies to review denaturalization policies and practices "to ensure these authorities are not used excessively or inappropriately."[100]

Recent Naturalization Trends

Naturalization Applications

The number of persons applying to naturalize annually has generally increased over the past three decades, from 233,843 in 1990 to 967,755 in FY2020 (**Figure 2**).

[93] INA §340(f), 8 U.S.C. §1451(f).

[94] Ibid.

[95] INA §340(d), 8 U.S.C. §1451(d).

[96] INA §340(c), 8 U.S.C. §1451(c).

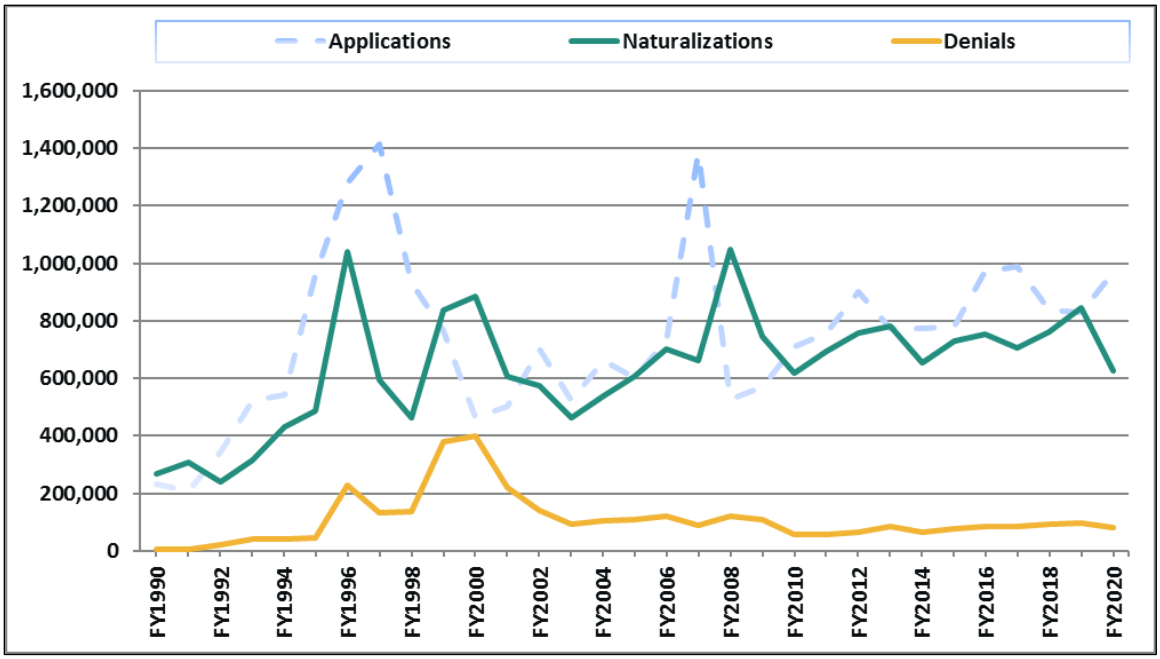
[97] INA §329(c), 8 U.S.C. §1440(c).

[98] INA §340(d), 8 U.S.C. §1451(d).

[99] U.S. Department of Justice, "The Department of Justice Creates Section Dedicated to Denaturalization Cases," press release, February 26, 2020, at https://www.justice.gov/opa/pr/department-justice-creates-section-dedicated-denaturalization-cases.

[100] Executive Order 14012, 2021

Figure 2. Naturalization Applications Filed and Denied, and Persons Naturalized, FY1990-2019



Sources: FY1990-FY2019: DHS Office of Immigration Statistics, *2019 Yearbook of Immigration Statistics*, Table 20. FY2020: USCIS, "All USCIS Application and Petition Form Types (Fiscal Year 2020, 4th Quarter, Jul. 1-Sep 30, 2020)."

Notes: Because DHS *Yearbook of Immigration Statistics* data are not yet available for FY2020, FY2020 naturalizations shown are represented by approved Forms N-400 published by USCIS. These two data sources closely correspond.

Naturalization application volume peaked in FY1997 and FY2007. These increases have been attributed to legislation and demographic factors. Legislatively, the Immigration Reform and Control Act of 1986 legalized about 2.8 million LPRs between 1986 and 1989 who then became eligible to naturalize in the mid-1990s. Four years later, the Immigration Act of 1990 increased the limits on legal immigration to the United States, among other provisions, which also resulted in increased numbers of persons applying for naturalization by the mid-1990s.[101] USCIS has also attributed the 2007 surge in naturalization application volume to several factors including a green card replacement program,[102] a broad-based increase in USCIS fees that took effect in July 2007,

[101] Some have speculated that part of the 1997 increase in naturalization application volume stemmed from greater eligibility restrictions for means-tested benefits and other federal assistance enacted through the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). Other research suggests that the social context of state-level immigrant receptivity plays a more important role in the decision to naturalize than state-level welfare benefit levels. See Jennifer Van Hook, Susan K. Brown, and Frank D. Bean, "For Love or Money? Welfare Reform and Immigrant Naturalization," *Social Forces*, vol. 85, no. 2 (December 2006), pp. 643-666. GAO attempted to address this question, but encountered methodological difficulties. See General Accounting Office, *Welfare Reform: Public Assistance Benefits Provided to Recently Naturalized Citizens*, GAO IHEHS-99-102, June 1999.

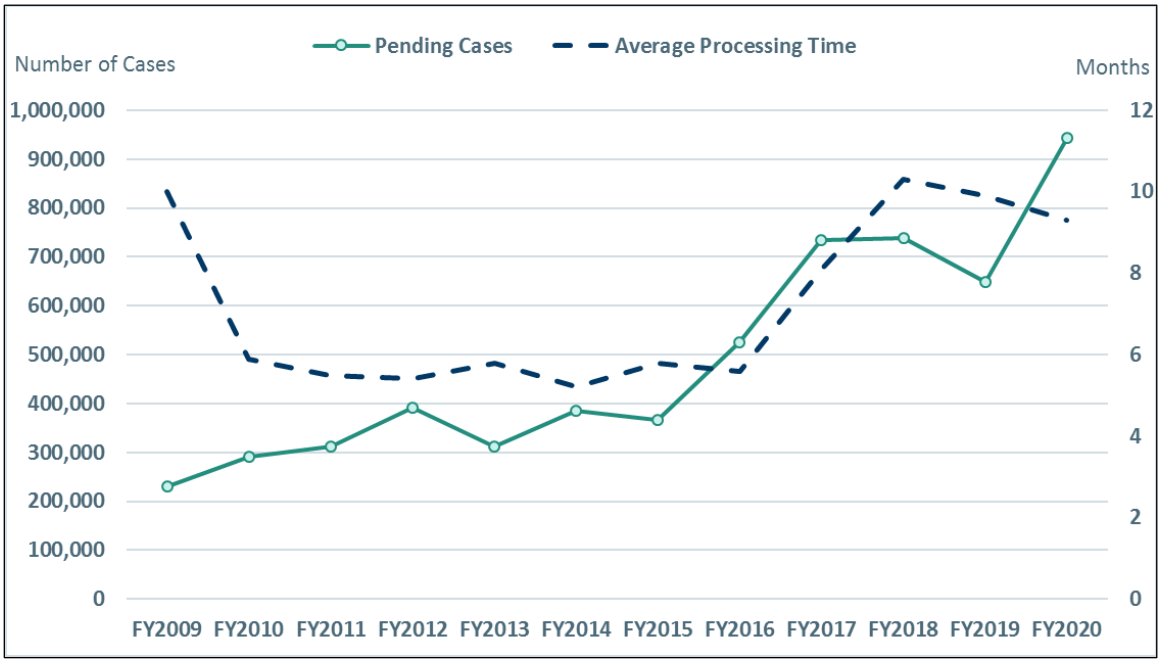
[102] In the early 1990s, the Immigration and Naturalization Service (INS), predecessor agency to DHS, instituted a green card replacement program to curb the increasing prevalence of document fraud. At that time, the INS estimated that 1.5 million LPRs in the United States would have to replace their existing green cards (I-151 cards), which would all expire in 1996, with new biometric LPR cards. Because the cost of replacing a green card was nearly the same as that to naturalize, many LPRs reportedly chose to naturalize instead.

and grassroots campaigns to increase naturalizations prior to the 2008 elections.[103] Naturalization application numbers generally tend to increase in advance of general elections (e.g., as seen in FY2012, FY2016, and FY2020 in **Figure 2**) and planned fee increases (see "Naturalization Fees" section).

The average processing time for naturalization applications (Form N-400) dropped sharply between FY2009 and FY2010, from 10.0 to 5.9 months, even with a 27% increase in pending cases over that period. The number of pending applications increased sharply from FY2015 to FY2017 and from FY2019 to FY2020. These increases were followed by increases to average processing times, which peaked at 10.3 months in FY2018 before declining to 9.9 months in FY2019 and 9.3 months FY2020 (**Figure 3**). For further discussion, see the "Backlogs, Processing, and USCIS Capacity" section.

Figure 3. Pending Naturalization Applications (N-400) and Average Processing Times

FY2009-FY2020



Sources: Pending cases (FY2009-FY2012): Data provided to CRS by USCIS. (FY2013-FY2020): USCIS, "All USCIS Application and Petition Form Types," multiple years, at https://www.uscis.gov/tools/reports-and-studies/immigration-and-citizenship-data. Average processing times (FY2009-FY2014): Data provided to CRS by USCIS. (FY2015-2020): USCIS, "Historic Processing Times," at https://egov.uscis.gov/processing-times/historic-pt; and data provided by USCIS.

Naturalization Trends

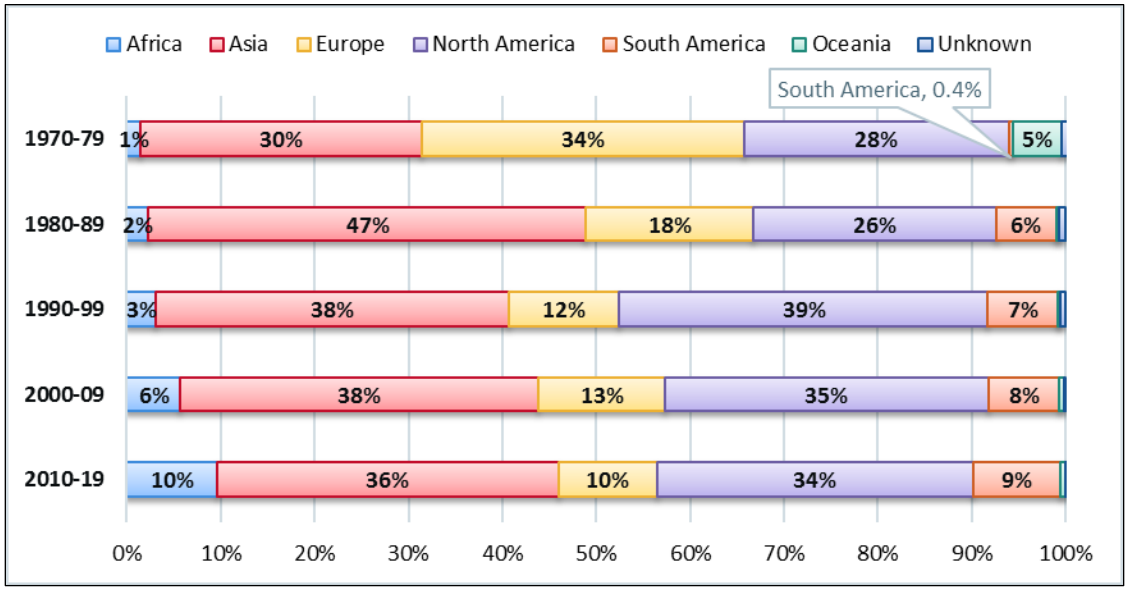
Figure 4 shows the proportion of naturalizations by newly naturalized citizens' region of birth for each decade beginning in 1970. After representing the largest proportion of persons naturalized in the 1970s, naturalizations of European nationals have declined over time, while naturalizations of African and South American nationals have increased. By the 2010s, European, African, and South American nationals represented similar proportions of naturalizations. Since the 1980s,

[103] U.S. Department of Homeland Security, Citizenship and Immigration Services, *USCIS Ombudsman's Annual Report 2009*, p. 3.

Asia and North America (which includes Mexico and Central America) have consistently represented the largest proportions of persons naturalizing by region of birth.

Figure 4. Proportion of Persons Naturalized, by Region of Birth

By decade, FY1970-FY2019



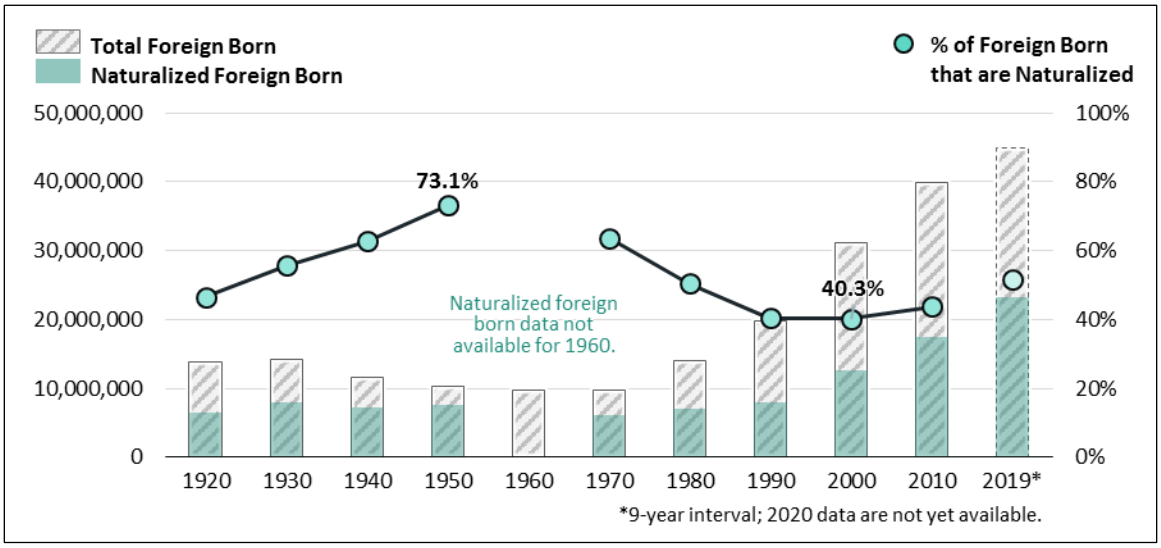
Sources: 1970: *Immigration and Naturalization Service 1975 Annual Report.* 1971-1980: *1980 Statistical Yearbook of the Immigration and Naturalization Service.* 1981-1990: *1990 Statistical Yearbook of the Immigration and Naturalization Service*. 1991-2000: *2000 Statistical Yearbook of the Immigration and Naturalization Service*. 2001-2010: DHS, *2010 Yearbook of Immigration Statistics.* 2011-2019: DHS, *2019 Yearbook of Immigration Statistics*.

Despite increasing numbers of naturalization applications filed in recent years, the number of naturalizations has not kept pace with the overall growth of the foreign-born population. The naturalized percentage of the foreign born peaked in 1950 (74.5%), reflecting high naturalization rates among refugees after World War II.[104] After 1950, it declined, reaching its lowest point of 40.3% in 2000. The naturalized proportion of the foreign born increased to 51.6% by 2019 (**Figure 5**).[105]

[104] Guillermina Jasso and Mark R. Rosenzweig, *The New Chosen People: Immigrants in the United States* (New York: Russell Sage Foundation, 1990), p. 102.

[105] In 1920, the Census Bureau began asking all foreign-born persons whether they had naturalized, and almost half (49%) reported that they had. Prior decennial censuses in 1900 and 1910 asked only adult men their citizenship status. Historically, certain immigrant groups have been excluded from naturalization. Until the Immigration and Nationality Act was enacted in 1952, naturalization was reserved broadly for "free white person[s]," as specified by the Naturalization Act of 1790. The Naturalization Act of 1870 extended citizenship to African nationals. The Chinese Exclusion Act of 1882 explicitly excluded Chinese nationals from citizenship until it was repealed by Congress in 1943.

Figure 5. Naturalized Foreign Born as a Proportion of the Total Foreign Born



Sources: 1900-2000: Campbell Gibson and Kay Jung, "Historical Census Statistics on the Foreign-Born Population of the United States: 1850 to 2000," U.S. Census Bureau Population Division (February 2006). 2010 and 2019: CRS analysis of American Community Survey data, Table B05001, at https://data.census.gov/cedsci/.

Notes: The 1960 Decennial Census did not ask respondents about their citizenship status. See Guillermina Jasso and Mark R. Rosenzweig, *The New Chosen People* (New York: Russell Sage Foundation, 1990), p. 105.

In FY2019 (most recent available data), 843,593 individuals became naturalized U.S. citizens. Individuals born in Mexico represented the highest number of naturalizations, followed by persons from India, Philippines, China, and Cuba (**Figure 6**). The top 20 countries displayed in **Figure 6** represent approximately 64% of all naturalizations in FY2019.

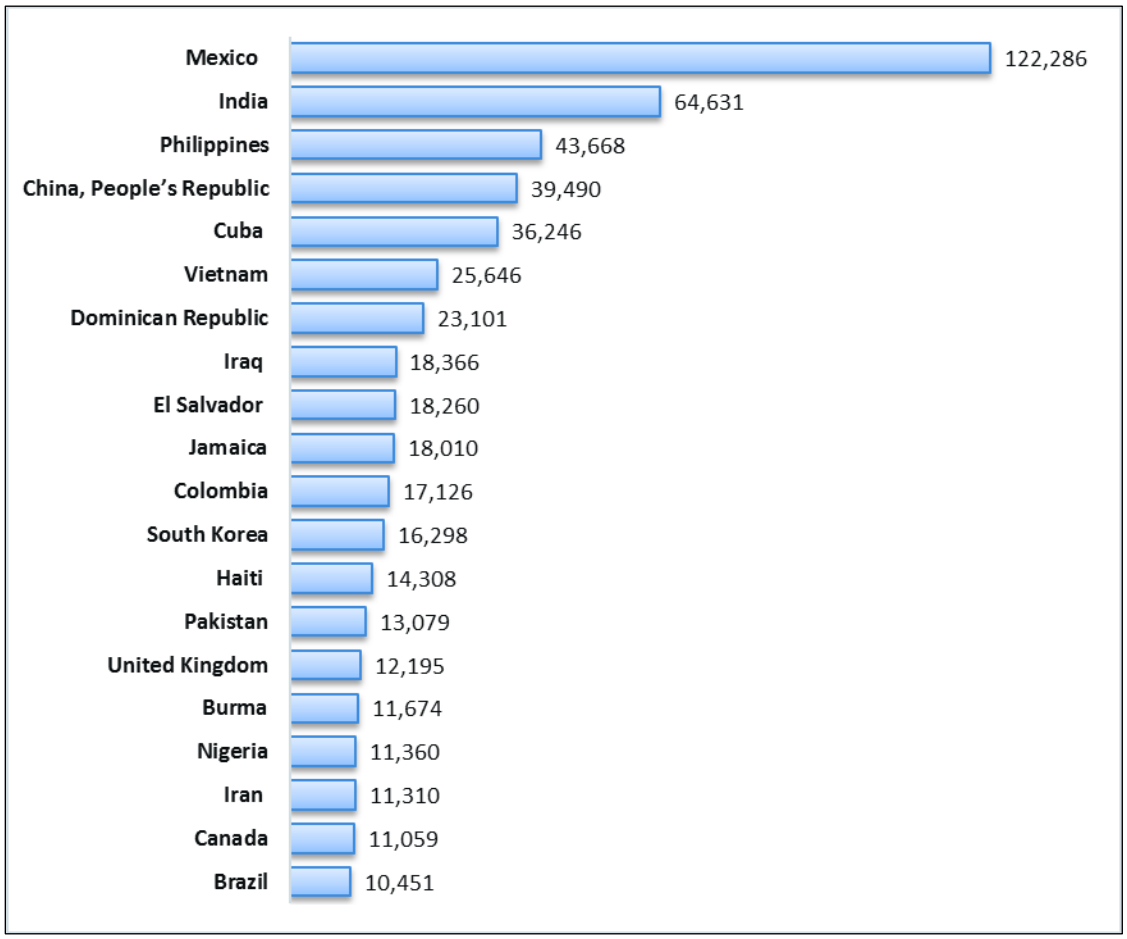
People who naturalized in FY2019 spent an average of eight years in LPR status before becoming citizens.[106] Naturalized foreign-born from North America and Oceania spent the highest number of years (10) in LPR status; those from Africa spent the fewest (6).[107]

[106] John Teke, *U.S. Naturalizations: 2019*, Annual Flow Report, U.S. Department of Homeland Security Office of Immigration Statistics, August 2020, at https://www.dhs.gov/sites/default/files/publications/immigration-statistics/yearbook/2019/naturalizations_2019.pdf.

[107] Ibid.

Figure 6. Persons Naturalized by Country of Birth, FY2019

Top 20 countries



Source: John Teke, *U.S. Naturalizations: 2019*, Annual Flow Report, U.S. Department of Homeland Security Office of Immigration Statistics, August 2020.

Naturalization Determinants

An estimated 44.9 million foreign-born persons resided in the United States in 2019, approximately 13.7% of the total U.S. population. Of these, 23.2 million (about 52%) self-reported their status as naturalized citizens.[108] An additional estimated nine million LPRs were eligible to naturalize but had not done so.[109] LPRs who are eligible to naturalize may not do so for a variety of reasons, such as language and cost barriers.[110] Other noncitizens are not eligible to naturalize because they are LPRs with insufficient years of U.S. residency or they are nonimmigrants or unauthorized and are not permitted to naturalize.[111]

[108] U.S. Census Bureau, American Community Survey, 2019 1-year estimates, Table B05001 (data.census.gov).

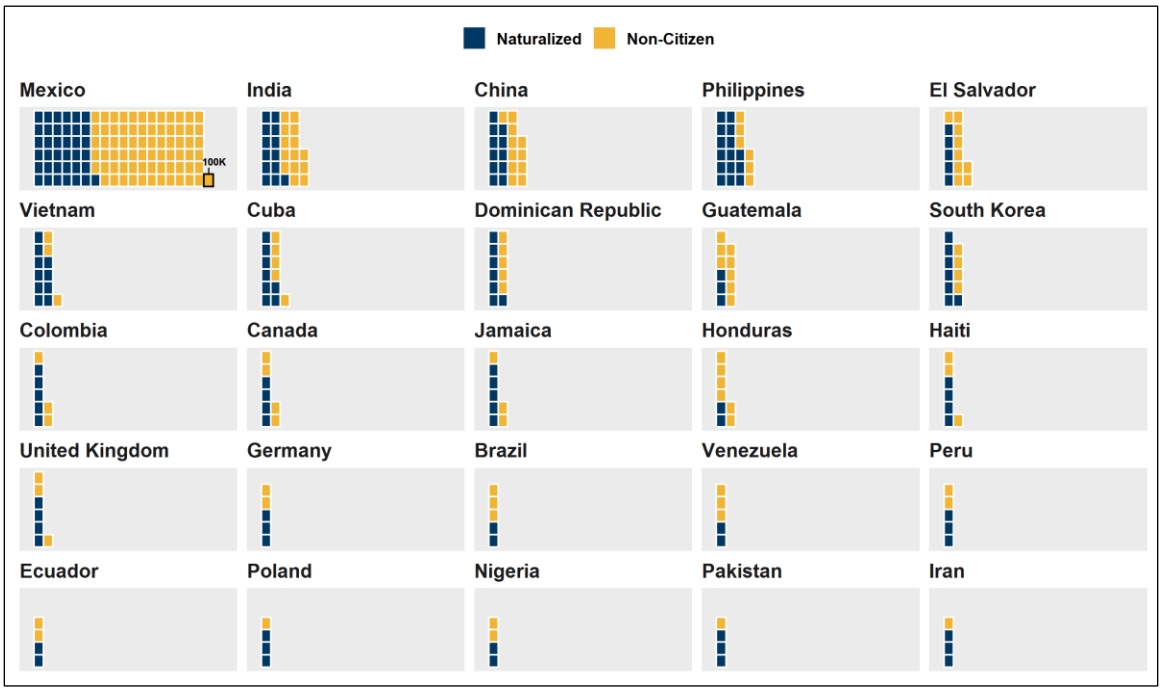
[109] Baker, 2019

[110] Ana Gonzalez-Barrera, "Mexicans Among Least Likely Immigrants to Become American Citizens," Pew Research Center, June 29, 2017, at https://www.pewresearch.org/hispanic/2017/06/29/mexican-lawful-immigrants-among-least-likely-to-become-u-s-citizens (hereinafter, "Gonzalez-Barrera, 2017") and Bloemraad, 2006, pp. 40-42.

[111] Nonimmigrants refer to foreign nationals admitted for a designated period of time and a specific purpose. They

Figure 7. Foreign-Born Population by Origin Country and Citizenship Status, 2019

25 largest national origins, listed in order of U.S. population size (each square represents 100,000 people)



Source: 2019 American Community Survey (ACS) Public Use Micro Sample (PUMS), U.S. Census Bureau.

Note: Populations are rounded to the nearest 100,000.

As shown in **Figure 7**, the proportion of naturalized individuals varies by country of origin.[112] Among the 25 national origin groups with the largest U.S. populations, foreign-born individuals from Central America—specifically, Honduras, Guatemala, and El Salvador—Mexico, and Brazil have the lowest naturalized percentages (less than 35% naturalized). These low proportions have several explanations, including large numbers of recent legal immigrants, which reduces the proportion of all foreign born with at least five years of U.S. residence; geographic proximity, which can increase the likelihood that individuals maintain strong ties to their countries of origin; and sizable numbers of unauthorized individuals who are ineligible to naturalize.[113] Individuals born in Mexico and Central America represent an estimated 68% of the total unauthorized population in the United States.[114]

In contrast, foreign-born individuals from countries such as Vietnam, Iran, Poland, and the Philippines all have naturalization rates exceeding 70%. Countries whose immigrants show

include a wide range of visitors, including tourists, foreign students, diplomats, and temporary workers. See CRS Report R45040, *Immigration: Nonimmigrant (Temporary) Admissions to the United States*.

[112] See also National Academies, 2015; Nancy Rytina, *The Timing of Naturalization in the United States through 1996:The Experience of the Legal Immigrant Cohorts of 1977 and 1982*, DHS Office of Immigration Statistics, Working Paper, August 2008; and Guillermina Jasso and Mark R. Rosenzweig, *The New Chosen People* (New York: Russell Sage Foundation, 1990), pp. 98-121.

[113] Gonzalez-Barrera, 2017; and Karen A. Woodrow-Lafield et al., "Naturalization of U.S. Immigrants: Highlights from Ten Countries," *Population Research and Policy Review*, vol. 23, no. 3 (June, 2004), pp. 187-218 (hereinafter, "Woodrow-Lafield et al., 2004").

[114] Migration Policy Institute, "Profile of the Unauthorized Population," accessed February 17, 2021, at https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/US.

relatively high naturalization proportions tend to be characterized by large geographic distance from the United States, less democratic or more oppressive political systems, and/or geopolitical factors and calamities that initiate flows of refugees and asylees.[115]

By country of origin, Mexican nationals represent by far the largest number of LPRs who meet the five-year residency requirement and who are potentially eligible for naturalization (2.49 million in 2019). However, because many others lack LPR status, a large proportion of Mexican nationals (43%) are ineligible for naturalization. Other national groups with large numbers of LPRs potentially eligible for naturalization (more than 300,000 people) include those from China, the Philippines, Cuba, the Dominican Republic, and India (**Table 2**).

Looking at population *proportions*, those national groups with the highest percentage of potentially eligible LPRs (>25%) relative to their total foreign-born populations include Japan, the United Kingdom, Canada, the Dominican Republic, Germany, and Cuba. Countries with the highest percentages of nationals *ineligible* for naturalization (>40%) include Guatemala, El Salvador, Mexico, and India. The ineligible proportion of the population includes foreign-born individuals who are not LPRs or who are LPRs but have not yet met the residency requirements for naturalization (**Table 2**).

[115] Gonzalez-Barrera, 2017; Woodrow-Lafield et al., 2004.

Table 2. Foreign-Born Population, by Naturalization Eligibility and Country of Birth, 2019

Top 20 countries listed in order of number of persons potentially eligible for naturalization

Country	Total Population in the U.S.	Percent Naturalized	Percent Ineligible for Naturalization	Percent Potentially Eligible for Naturalization	Number of LPRs Potentially Eligible for Naturalization
Mexico	10,867,215	34%	43%	23%	2,490,000
China	2,257,642	50%	29%	22%	490,000
Philippines	2,019,664	72%	9%	18%	370,000
Cuba	1,358,388	61%	13%	26%	350,000
Dominican Republic	1,168,289	57%	14%	29%	340,000
India	2,686,889	47%	42%	12%	310,000
Canada	794,373	50%	18%	31%	250,000
El Salvador	1,433,313	34%	51%	15%	220,000
United Kingdom	682,283	55%	13%	32%	220,000
Vietnam	1,378,831	76%	8%	16%	220,000
South Korea	1,037,345	66%	15%	19%	200,000
Haiti	704,913	63%	15%	23%	160,000
Jamaica	787,740	68%	12%	20%	160,000
Colombia	803,759	62%	21%	17%	140,000
Germany	537,047	65%	9%	26%	140,000
Japan	325,540	35%	28%	37%	120,000
Guatemala	1,110,506	27%	62%	11%	120,000
Poland	406,492	73%	4%	22%	90,000
Peru	436,310	59%	20%	21%	90,000
Pakistan	392,538	68%	11%	20%	80,000
Other/unknown	—		—	—	2,560,000
Total			**28%**	**20%**	**9,130,000**

Sources: Number LPRs potentially eligible: Bryan Baker, *Estimates of the Lawful Permanent Resident Population in the United States and the Subpopulation Eligible to Naturalize: 2015-2019*, Table 2, U.S. Department of Homeland Security, Office of Immigration Statistics, September 2019. Total U.S. Population, Percent Potentially Eligible and Percent Ineligible: CRS analysis of data from Baker and 2019 American Community Survey (ACS) Public Use Micro Sample (PUMS), U.S. Census Bureau.

Notes: *Potentially eligible* individuals have been in LPR status for a sufficient length of time to meet naturalization residency requirements. *Ineligible for naturalization* represents foreign-born who are not naturalized citizens and are not potentially eligible to naturalize. These individuals either are not LPRs or are LPRs with insufficient residency for naturalization. Because this calculation does not take into account other requirements for naturalization (e.g., English language proficiency), the proportion ineligible presented is likely an undercount. Percentages may not add to 100% due to rounding error.

Other contextual factors are significant in predicting naturalization, including living in an area with other immigrants from the same racial/ethnic background.[116] The availability of dual citizenship is positively correlated with naturalization for some groups, particularly those from Latin America.[117] Immigration restrictions may also impact propensity to naturalize. A recent study found that LPRs who entered the United States without inspection and were formerly unauthorized have a higher propensity to naturalize than those who were not previously unauthorized.[118] Researchers have found that some LPRs choose to naturalize as a protective mechanism against policies that curtail rights or benefits for noncitizens.[119]

Apart from country-level and contextual characteristics, individual characteristics also influence naturalization. Time spent in the United States is positively associated with naturalization.[120] Measures of socioeconomic status, measured by income, education, and English skills are also positively correlated with naturalization.[121]

Some eligible LPRs, including those who are low-income or limited English proficient, may face structural barriers to naturalization. For example, one study found that 98% of Mexican LPRs surveyed said they would naturalize if they could, citing factors such as English language ability, lack of time or initiative, and cost as primary reasons for not yet becoming citizens.[122] (For more discussion of barriers to naturalization, see the "Issues for Congress" section, below).

Issues for Congress

Backlogs, Processing, and USCIS Capacity

From FY2016 through FY2020, N-400 naturalization applications accounted for 11.7% of all applications received and processed by USCIS, making it the second most common immigration

[116] John R. Logan, Sookhee Oh, and Jennifer Darrah, "The Political and Community Context of Immigrant Naturalisation in the United States," *Journal of Ethnic and Migration Studies* vol. 38, no. 4 (2012), pp. 535–554 (hereinafter, "Logan, Oh, and Darrah, 2012"); Nadwa Mossaad et al., "Determinants of Refugee Naturalization in the United States," *Proceedings of the National Academy of Sciences,* vol. 115, no. 37 (2018), pp. 9175–9180 (hereinafter, "Mossaad et al., 2018").

[117] Michael Jones-Correa, "Institutional and Contextual Factors in Immigrant Naturalization and Voting," *Citizenship Studies*, vol. 5, no. 1 (2001), pp. 41-56 (hereinafter, Jones-Correa, 2001); Logan, Oh, and Darrah, 2012.

[118] Amanda R. Cheong, "Legal Histories as Determinants of Incorporation: Previous Undocumented Experience and Naturalization Propensities among Immigrants in the United States," *International Migration Review*, 2020, pp. 1-32. For information about legalization provisions under the Immigration and Nationality Act, see CRS Report R45993, *Legalization Framework Under the Immigration and Nationality Act (INA)*.

[119] Greta Gilbertson and Audrey Singer, "The Emergence of Protective Citizenship in the USA: Naturalization among Dominican Immigrants in the Post-1996 Welfare Reform Era," *Ethnic and Racial Studies*, vol. 26, no. 1 (2003), pp. 25-51; Paul M. Ong, "Defensive Naturalization and Anti-Immigrant Sentiment: Chinese Immigrants in Three Primate Metropolises," *Asian American Policy Review*, vol. 21 (2011); Yunju Nam and Wooksoo Kim, "Welfare Reform and Elderly Immigrants' Naturalization: Access to Public Benefits as an Incentive for Naturalization in the United States," *International Migration Review*, vol. 46, no. 3 (2012), pp. 656–679; Catalina Amuedo-Dorantes and Mary Lopez, "Recent Changes in Immigration Policy and U.S. Naturalization Patterns," *Review of Economics of the Household* (2020).

[120] Jones-Correa, 2001; Irene Bloemraad, "Becoming a Citizen in the United States and Canada: Structured Mobilization and Immigrant Political Incorporation Immigrant Integration and Social Membership," *Social Forces*, vol. 85, no. 2 (2006), pp. 667–696.

[121] National Academies, 2015; Logan, Oh, and Darrah, 2012; Mossaad et al., 2018.

[122] Gonzalez-Barrera, 2017.

form handled by the agency (after I-765, Employment Authorization applications).[123] As shown in **Figure 3**, there has been a substantial increase in the growth of pending N-400 applications in recent years, with 942,669 applications pending at the end of FY2020, compared with 291,833 applications at the end of FY2010.

The increase in pending cases is reflected in increased processing times for N-400 applications. The average processing time for the N-400 nearly doubled from 5.9 months in FY2010 to 10.3 months in FY2018, before declining to 9.3 months in FY2020 (**Figure 3**). Processing times vary by USCIS Field Offices.[124]

USCIS, Citizenship and Immigration Services Ombudsman (CIS Ombudsman) and Office of Inspector General, and external observers have associated the backlog of pending applications with multiple factors:

- USCIS changes to Form N-400, including adding 13 questions in 2016, which caused longer adjudication times;[125]
- increased numbers of naturalization applications in recent years (**Figure 2**) and inaccurate USCIS projections;[126]
- a USCIS hiring pause in FY2020 and budget cuts in response to financial challenges;[127]
- insufficient USCIS staffing levels and office space;[128]
- initial challenges transitioning from paper to electronic processing for some forms in 2016;[129]
- increased demands on adjudicators' time due to a new mandate for in-person interviews for individuals adjusting to LPR status;[130]
- increased scrutiny of information submitted on Forms N-400 by adjudicators, including more requests for evidence;[131]
- increased numbers of applications in advance of a planned 83% naturalization fee increase (which was not subsequently implemented);[132] and

[123] U.S. Citizenship and Immigration Services, *Number of Service-wide Forms by Fiscal Year To- Date*, multiple years.

[124] Processing times by Field Office or Service Center are available at https://egov.uscis.gov/processing-times/.

[125] Department of Homeland Security, *FY2018-2020 Annual Performance Report*, 2020), p. 40, at https://www.dhs.gov/sites/default/files/publications/19_0318_MGMT_CBJ-Annual-Performance-Review-DHS-Overview_0.pdf.

[126] Dougherty, 2020.

[127] Letter from Joseph B. Edlow, USCIS deputy director for policy, to The Honorable Bill Cassidy, December 23, 2020, at https://www.uscis.gov/sites/default/files/document/foia/USCIS_budget_shortfall_Senator_Cassidy.pdf.

[128] Dougherty, 2020.

[129] DHS Office of Inspector General, "USCIS Has Been Unsuccessful in Automating Naturalization Benefits Delivery," Department of Homeland Security, November 30, 2017, at https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-23-Nov17.pdf. However, more recently, USCIS has reportedly "turned a corner in its electronic processing" of Forms N-400. See Dougherty, 2020.

[130] Dougherty, 2020.

[131] Randy Capps and Carlos Echeverría-Estrada, "A Rockier Road to U.S. Citizenship? Findings of a Survey on Changing Naturalization Procedures," Migration Policy Institute, July 14, 2020, at https://www.migrationpolicy.org/research/changing-uscis-naturalization-procedures.

[132] Department of Homeland Security, "U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements," 85 *Federal Register* 46788, August 3, 2020.

- processing disruptions related to the Coronavirus Disease 2019 (COVID-19) pandemic. On March 17, 2020, USCIS temporarily suspended all in-person services at its field offices;[133] the agency resumed some services on June 4, 2020, including in-person naturalization ceremonies and interviews.[134]

USCIS has reported efforts made to address the backlog of N-400 applications. In 2019, USCIS announced a new strategy to decrease processing times by shifting caseloads between field offices, which may require scheduling interviews at field offices outside of applicants' normal jurisdictions.[135] After initially struggling to transition to electronic processing (see footnote 129), the CIS Ombudsman reported that, "the agency is now able to leverage automated functions ... to enhance vetting and better manage workloads at field offices."[136] USCIS is also using automated assessments of N-400 applications to determine expected interview lengths.[137] In 2020, USCIS stated it had begun testing and implementing video interviews for N-400 applicants during which the applicant and interviewing officer are in separate rooms within a field office to allow for adjudication while maintaining social distancing during the COVID-19 pandemic.[138] In 2021, President Biden issued an executive order directing federal agencies to develop a plan to "substantially reduce current naturalization processing times."[139]

Concerns regarding USCIS's total application processing capability sometimes receive attention when events transpire to cause unusually large numbers of foreign nationals to apply for immigration benefits. If Congress were to pass major reforms to U.S. immigration laws, such changes could substantially alter the number of immigrants lawfully admitted each year and the legal status of sizeable numbers of foreign-born persons who reside in the United States. Changes to both of these populations, in turn, could increase considerably the number of naturalization applications filed.[140]

Naturalization Fees

USCIS operates as a fee-funded agency: Congress has authorized USCIS to set fees for adjudication and naturalization services at a level that ensures recovery of the full costs of

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[133] U.S. Citizenship and Immigration Services, "USCIS Temporarily Closing Offices to the Public March 18-April 1," news release, March 17, 2020, at https://www.uscis.gov/news/alerts/uscis-temporarily-closing-offices-to-the-public-march-18-april-1.

[134] U.S. Citizenship and Immigration Services, "USCIS Preparing to Resume Public Services on June 4," news release, May 27, 2020, at https://www.uscis.gov/news/alerts/uscis-preparing-to-resume-public-services-on-june-4.

[135] U.S. Citizenship and Immigration Services, "USCIS Aims to Decrease Processing Times for N-400 and I-485," news release, June 17, 2019, at https://www.uscis.gov/news/alerts/uscis-aims-to-decrease-processing-times-for-n-400-and-i-485.

[136] Dougherty, 2020, p. 19.

[137] Ibid.

[138] U.S. Citizenship and Immigration Services, *USCIS Response to the Citizenship and Immigration Services Ombudsman's (CISBOM) 2020 Annual Report to Congress*, December 4, 2020, at https://www.dhs.gov/sites/default/files/publications/2020_uscis_response.pdf.

[139] Executive Order 14012, 2021.

[140] Surges in petition and application volume often result from changes in U.S. immigration policy. In 2007, for example, USCIS experienced a surge in immigration benefits filings that posed challenges for various agency operations, including a "frontlog" in intake processing that created lags in data entry, delays in issuing receipts, and problems with storing files and depositing filing fees. In addition, the agency announced that processing times in many offices had increased, even as USCIS sought to realign existing staff and hire new adjudicators. However, within one year, processing times for many forms were reduced considerably. See archived CRS Report RL34040 *U.S. Citizenship and Immigration Services' Immigration Fees*, available to congressional clients upon request.

providing those services.[141] In FY2020, approximately 97% of its budget was funded through fees collected and deposited into the Immigration Examinations Fee Account, which includes N-400 filing fees for (nonmilitary) naturalizations.[142]

Currently, USCIS charges naturalization applicants $725, which includes a $640 application fee and an $85 fee for recording biometric information.[143] The amount of the naturalization fee raises several issues for Congress, including whether it accurately reflects USCIS's cost to process naturalization applications and whether it discourages persons from naturalizing due to the expense.

USCIS naturalization fee increases are usually subsumed within across-the-board USCIS fee increases for many types of forms based upon audits of the costs of providing immigration services/benefits.[144] Proponents of fee increases maintain that immigration benefits such as naturalization should be self-financing and that the beneficiaries should bear the full cost of processing a naturalization application.[145] Opponents argue that naturalization fee increases discourage eligible LPRs from applying for naturalization, disproportionately impact low-income immigrants, and prevent individuals from obtaining eligibility to vote in federal elections.[146]

In previous changes to its fee schedule, USCIS set N-400 filing fee increases at amounts lower than the full costs of adjudication and lower than other fee increases in an effort to "promote citizenship."[147] In FY2016, for example, USCIS increased its fees by a weighted average of 21% but increased the naturalization fee by 8%.[148] In FY2020, USCIS proposed several fee increases, including an 83% increase in the N-400 filing fee, stating, "DHS now believes that shifting costs to other applicants ... is not equitable given the significant increase in Form N-400 filings in recent years."[149]

USCIS stated that the planned fee increases were "intended to ensure that USCIS has the resources it needs to provide adequate service to applicants and petitioners."[150] USCIS specified that it had determined through its biennial fee review that current fees do not recover the full cost of providing adjudication and naturalization services. The final rule would have also restricted

[141] INA §286(m); 8 U.S.C. §1356(m). For background information, see archived CRS Report R44038, *U.S. Citizenship and Immigration Services (USCIS) Functions and Funding*.

[142] U.S. Citizenship and Immigration Services, "USCIS Adjusts Fees to Help Meet Operational Needs," news release, July 31, 2020, at https://www.uscis.gov/news/news-releases/uscis-adjusts-fees-to-help-meet-operational-needs.

[143] USCIS may waive N-400 filing fees and biometrics services fees based on an applicant's inability to pay. See USCIS, *Adjudicator's Field Manual*, Chapter 10.9 "Waiver of Fees," at https://www.uscis.gov/sites/default/files/document/policy-manual-afm/afm10-external.pdf.

[144] P.L. 101-576 §902(b) requires USCIS to review its fees on a biennial basis.

[145] Department of Homeland Security, "U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements," 85 *Federal Register* 46795, August 3, 2020.

[146] Hailey Fuchs, "Looming Fee Increase Could Thwart Many U.S. Citizenship Applications," *The New York Times*, August 16, 2020, at https://www.nytimes.com/2020/08/16/us/politics/us-citizenship-fee-increase.html.

[147] Department of Homeland Security, "U.S. Citizenship and Immigration Services Fee Schedule," 81 *Federal Register* 26916, May 4, 2016.

[148] Ibid.

[149] Department of Homeland Security, "U.S. Citizenship and Immigration Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements," 84 *Federal Register* 62316, November 14, 2019.

[150] Department of Homeland Security, "U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements," 85 *Federal Register* 46788, August 3, 2020.

eligibility for fee waivers for low-income immigrants. However, the final rule was not implemented because it was enjoined by two federal courts.[151]

In December 2020 correspondence to Congress, USCIS stated that because of the court injunctions against the fee increases, the agency would forgo $760 million in revenue and experience financial constraints in FY2021.[152] In January 2021, USCIS stated in the *Federal Register* that it would comply with court orders and continue to accept the fees in place prior to October 2, 2020 (the implementation date for fee increases), and continue to adjudicate fee waiver requests.[153] A February 2021 executive order directed DHS, DOS, and the U.S. Attorney General to review the 2020 fee regulation, "recommend steps, as appropriate and consistent with applicable law, to revise or rescind those agency actions," and "make the naturalization process more accessible to all eligible including through a potential reduction to the naturalization fee and restoration of the fee waiver process."[154]

Some question whether fee increases discourage eligible LPRs from naturalizing.[155] Empirical studies suggest that naturalization fees present barriers for some eligible LPRs who would otherwise choose to become citizens. One experimental study, for example, found that offering fee vouchers for N-400 application costs to low-income (between 150% and 300% of the Federal Poverty Guidelines) immigrants eligible for citizenship increased naturalization application rates by 41%.[156] Fee waivers are currently available for individuals whose household income is at or below 150% of the Federal Poverty Guidelines or who receive means-tested benefits.[157] However, researchers have found that participation in the fee waiver program is low relative to the number of individuals who would qualify for it.[158]

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[151] Suzanne Monyak, "Calif. Judge Blocks Upcoming Immigration Fee Hikes," *Law360*, September 29, 2020, at https://www.law360.com/articles/1315144/calif-judge-blocks-upcoming-immigration-fee-hikes; Genevieve Douglas, "Second Court Blocks Visa Fee Rule, Doubts DHS Chief's Authority," *Bloomberg Law*, October 9, 2020, at https://news.bloomberglaw.com/daily-labor-report/second-court-blocks-visa-fee-rule-doubts-dhs-chiefs-authority.

[152] Letter from Joseph B. Edlow, USCIS deputy director for policy, to The Honorable Bill Cassidy, December 23, 2020, at https://www.uscis.gov/sites/default/files/document/foia/USCIS_budget_shortfall_Senator_Cassidy.pdf.

[153] Department of Homeland Security, "U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements," 86 *Federal Register* 7493, January 29, 2021.

[154] Executive Order 14012, 2021.

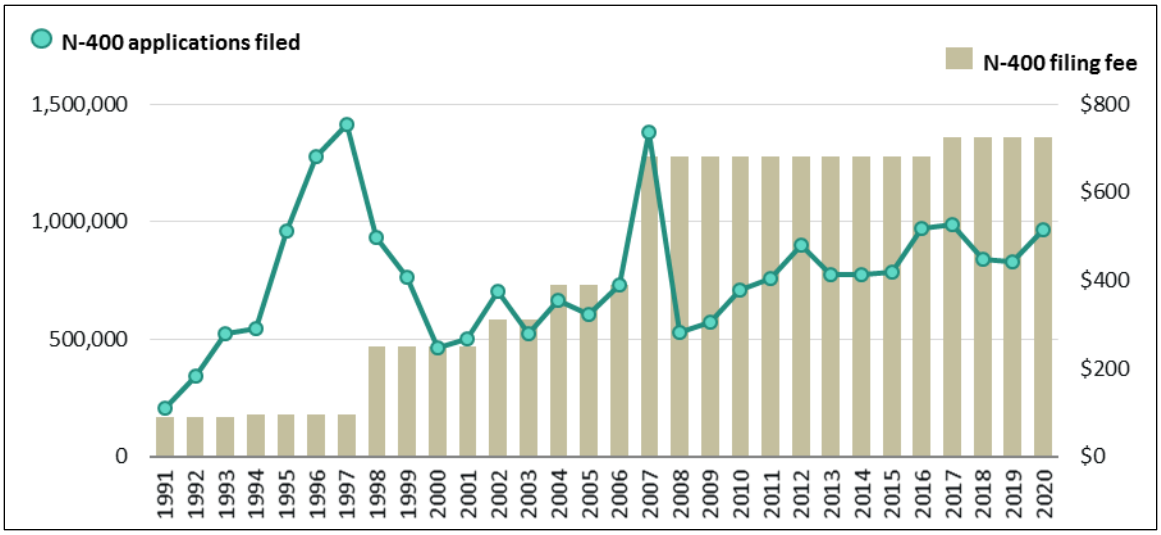
[155] National Foundation for American Policy, *Reforming the Naturalization Process*, NFAP Policy Brief, August 2011.

[156] Jens Hainmueller et al., "A Randomized Controlled Design Reveals Barriers to Citizenship for Low-Income Immigrants," *Proceedings of the National Academy of Sciences*, vol. 115, no. 5 (2018), pp. 939–944. See also Gonzalez-Barrera, 2017.

[157] See USCIS, "I-912, Request for Fee Waiver," at https://www.uscis.gov/i-912. For more information about immigrant eligibility for means-tested benefits, see CRS Report RL33809, *Noncitizen Eligibility for Federal Public Assistance: Policy Overview*.

[158] A recent experimental study found that informing low-income immigrants about their eligibility for fee waivers increased the rate of citizenship applications by 8.6 percentage points. See Michael Hotard et al., "A Low-Cost Information Nudge Increases Citizenship Application Rates among Low-Income Immigrants," *Nature Human Behaviour*, vol. 3, no. 7 (July 2019), pp. 678–683.

Figure 8. N-400 Naturalization Application Volume and Fees, FY1991-FY2020



Source: CRS analysis of USCIS data and Office of Immigration Statistics data.

Notes: Fee totals include fees for biometrics, which began in FY1998. USCIS proposed a fee increase for FY2020, but it was not implemented.

In addition, graphing the naturalization applications filed each fiscal year against the amount of the naturalization fee in that year (**Figure 8**) suggests that fee increases in 1998, 2002, 2004, 2007, and 2017, and the planned 2020 fee increases, were preceded by greater application volume followed in the subsequent year by declining application volume. Nevertheless, other factors described above also explain application volume increases apart from fee increases (see "Recent Naturalization Trends").

Citizenship Resources and Promotion

Some in Congress have expressed interest in facilitating language and civics instruction as a means to promote naturalization. Multiple federal agencies currently support these objectives. Among these, the Citizenship Resource Center, part of the USCIS Office of Citizenship, provides English and civics training directly and through public/private partnerships. USCIS also provides competitive grants for citizenship preparation services to public and private nonprofit organizations through its Citizenship and Integration Grant Program.[159] USCIS estimates that since the grant program was established in 2009, it has prepared approximately 278,000 LPRs for U.S. citizenship.[160] The U.S. Department of Education offers grants to states to improve English

[159] Eligible grant applicants are public or nonprofit organizations with recent experience providing citizenship instruction programs, preparation workshops, and naturalization processes for immigrants. Because this program is not directly related to USCIS's central mission of reviewing and processing immigration-related petitions and applications, its funding comes from congressional appropriations, which for FY2021 totaled $10 million (see P.L. 116-93). For more information, see "Citizenship and Integration Grant Program," at https://www.uscis.gov/citizenship/civic-assimilation/learn-about-the-citizenship-and-assimilation-grant-program.

[160] U.S. Citizenship and Immigration Services, "Learn About the Citizenship and Assimilation Grant Program," updated February 17, 2021, at https://www.uscis.gov/citizenship/civic-assimilation/learn-about-the-citizenship-and-assimilation-grant-program.

skills among adults who are not enrolled in school.[161] Despite these and other federal adult education programs, as well as programs run by nonprofit organizations, demand for adult English language and civics education services remains high.

Some have advocated for new funding for citizenship assistance, including proposals for a national office to promote citizenship, English-language learning, and workforce development training.[162] As mentioned previously, in February 2021, President Biden issued an executive order directing federal agencies to develop a plan to eliminate barriers to naturalization and review N-400 application processes. The order established an Interagency Working Group on Promoting Naturalization and directed the group to submit a naturalization promotion strategy to the President.[163] It also reconvened a Task Force on New Americans, originally established in 2014, which previously engaged in immigrant integration efforts, including citizenship promotion for eligible LPRs.[164]

Those opposing expenditures for citizenship preparation funding have argued such funding creates a burden on taxpayers, expands the role of government, and is redundant with services already provided by USCIS.[165]

[161] In FY2020, appropriations for such adult education under the Adult Education and Family Literacy Act (AEFLA) were $657 million, of which $578 million was distributed to the states via formula grants. Since FY2000, appropriations legislation has set aside a portion of the AEFLA state grant funding for Integrated English Literacy and Civics Education services (IELCE) for English language learners. In FY2020, this set-aside was $78.83 million or 12% of state grants funding. For more information on adult education, see CRS Report R43789, *Adult Education and Family Literacy Act: Major Statutory Provisions*.

[162] See, for example, Senator Edward J. Markey, "Senator Markey and Reps. Meng, Jayapal and García to Introduce National Office of New Americans Act," January 28, 2021, at https://www.markey.senate.gov/news/press-releases/senator-markey-and-reps-meng-jayapal-and-garca-to-introduce-national-office-of-new-americans-act. See also H.R. 572, S. 291, S. 348, and H.R. 1177 introduced in the 117th Congress.

[163] Executive Order 14012, 2021.

[164] The White House Office of the Press Secretary, "FACT SHEET: 'Stand Stronger' Citizenship Awareness Campaign," September 17, 2015, at https://obamawhitehouse.archives.gov/the-press-office/2015/09/17/fact-sheet-stand-stronger-citizenship-awareness-campaign.

[165] See, for example, Minority Views from Senators Grassley, Session, Lee, and Cruz in S.Rept. 113-40: U.S. Congress, Senate Committee on the Judiciary, *Border Security, Economic Opportunity, and Immigration Modernization Act*, Report, 113th Cong., 1st sess., June 7, 2013, p. 169.

Appendix. Selected Links to Naturalization Information and Application Materials

Naturalization Information

Guide to Naturalization

https://www.uscis.gov/citizenship/learn-about-citizenship/citizenship-and-naturalization/a-guide-to-naturalization

10 Steps to Naturalization

https://www.uscis.gov/citizenship/learn-about-citizenship/10-steps-to-naturalization

Learn About Citizenship

https://www.uscis.gov/citizenship/learn-about-citizenship

Naturalization Information for Military Personnel

https://www.uscis.gov/military/naturalization-through-military-service

USCIS Policy Manual: Citizenship and Naturalization

http://www.uscis.gov/policymanual/HTML/PolicyManual-Volume12.html

Naturalization Application Materials

Online Application and Instructions for Naturalization

https://www.uscis.gov/citizenship/apply-for-citizenship

N-400 Application for Naturalization

https://www.uscis.gov/n-400

Document Checklist

https://www.uscis.gov/sites/default/files/document/forms/attachments.pdf

Citizenship Resource Center

http://www.uscis.gov/portal/site/uscis/citizenship

Study Materials and Resources

https://www.uscis.gov/citizenship/find-study-materials-and-resources

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