

## Becoming a Citizen: It's Not as Easy as You Think

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While those born in the United States are automatically given citizenship, those not born here must earn their right to become an American citizen.<sup>1</sup> Becoming a U.S. citizen is often the proudest day of an immigrant's life in America. It signals completing the assimilation process and earning the right to vote and participate fully in American society. The process is not easy, particularly for those who come here with little schooling or limited English language ability. Moreover, the cost of naturalization has risen significantly over the years.

### THE RISING COST OF NATURALIZATION

Congress does not appropriate money for naturalization, which means the costs must be covered through fees. When applying for naturalization, a prospective citizen must pay U.S. Citizenship and Immigration Services (USCIS) both for processing and the cost of providing biometrics (fingerprints, which are run against government databases).<sup>2</sup> As one can see from Figure 1, the cost of the naturalization process has escalated. In 1985, the cost of filing was only \$35. This rose to \$90 by 1991. The cost of naturalization increased to \$390 by 2004, including biometrics, and rose three more times until reaching \$680, where it currently stands, according to information from USCIS supplied by the American Immigration Lawyers Association.<sup>3</sup>

While over the past two decades there has not been a corresponding improvement in waiting times to go with the escalat-

ing fees, wait times have become shorter in the past few years when compared to the backlogs previously seen in major cities. "The processing times will vary from office to office, though most are under 9 months, and many are under 6 months, at this time," according to Crystal Williams, executive director of the American Immigration Lawyers Association.<sup>4</sup>

### AN INCREASE IN NATURALIZATION, BUT DENIALS REMAIN STEADY IN RECENT YEARS

The number of people being naturalized has increased significantly over the past 30 years. Between 1980 and 1989, 2.05 million persons were granted naturalization, about 200,000 a year. From 1990 to 1999, the number rose to 4.97 million, nearly 500,000 a year. And between 2000 and 2009, 6.8 million people were naturalized, about 680,000 annually during that 10-year period.<sup>5</sup>

Data from the Department of Homeland Security indicate that denial rates for naturalization have remained steady in recent years. Denial rates for naturalization have ranged between 10 and 16.5 percent for the years 2003 through 2008, with a denial rate of 14.7 percent in 2009, according to the Department of Homeland Security's methodology.<sup>6</sup> The Immigration and Naturalization Service (INS) changed the way it recorded denials in the 1990s, which makes comparisons to earlier periods difficult.<sup>7</sup>

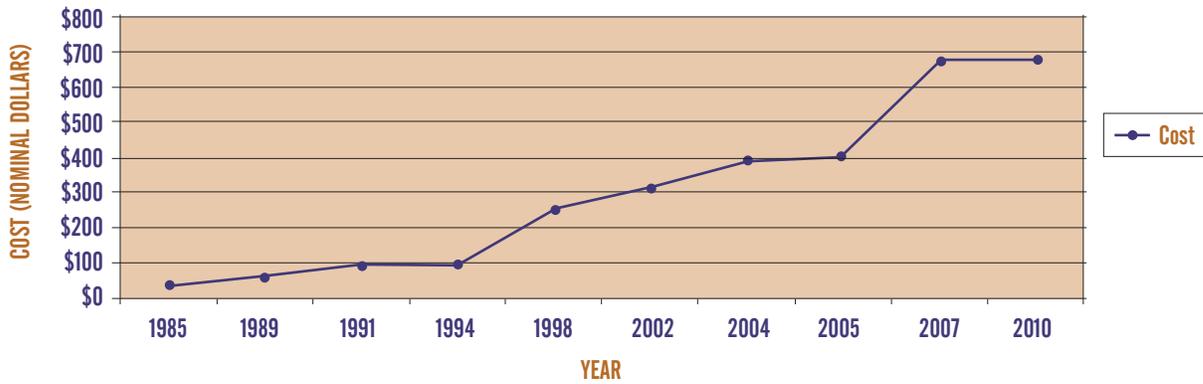
“The significant increase in naturalization fees witnessed over the years should be monitored to ensure citizenship remains open to all, since that is itself an American ideal.”

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### THE RULES FOR BECOMING A CITIZEN

Naturalization is mentioned in the U.S. Constitution, in

**FIGURE 1**  
**NATURALIZATION FEES (INCLUDING BIOMETRICS): 1985-2010**



Source: American Immigration Lawyers Association, U.S. Citizenship and Immigration Services.

Article 1, Section 8, where it lists as one of the powers of the Congress, “To establish an uniform Rule of Naturalization . . .” In 1790, Congress set a national standard of two years of residence before an individual could be naturalized. In 1795, the residency requirement was raised to five years, where it sits today.<sup>8</sup> However, because of low quotas for family-based and employer-sponsored green cards, the waiting time to receive permanent residence (the prerequisite for naturalization) is often from 6 to 12 years (or longer) depending on the immigration category and the country of origin.<sup>9</sup>

Both spouses and children receive special treatment under the law. If an individual is a spouse of a U.S. citizen, one can live in the United States in legal status for three years and become eligible to apply for naturalization. Under Section 322 of the Immigration and Nationality Act, a U.S. citizen parent can apply for naturalization for a child born outside of the United States, although a child born abroad could still be a U.S. citizen at birth based on other circumstances. Section 320(a) states, “A child born outside of the United States automatically becomes a citizen of the United States when all of the following conditions have been fulfilled: 1) at least one parent of the child is a citizen of the United States, whether by birth or naturalization; 2) the child is under the age of 18 years; and 3) the child is residing in the United States in the legal and physical custody of the citizen parent pursuant to a lawful admission for permanent residence.”<sup>10</sup> Other provisions of the law allow for children adopted

from abroad to become naturalized.

In addition to needing to have “resided continuously, after being lawfully admitted for permanent residence, within the United States for at least five years,” the law requires a person to “reside continuously within the United States from the date of the application up to the time of admission to citizenship.” Moreover, “during all the periods . . . [the resident] has been and still is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States.”<sup>11</sup>

Immigration attorneys can discuss at length what constitutes “good moral character.” The INS, U.S. Citizenship and Immigration Services, and the courts have provided guidance on the issue over the years. According to Howard Hom, an adjunct professor of law at Whittier Law School in Costa Mesa, California, immigration regulations provide that an applicant would be found to lack good moral character if convicted of murder, an “aggravated felony,” or “one or more crimes involving moral turpitude.”<sup>12</sup> Committing an aggravated felony may also be grounds for deportation. In fact, a number of individuals have been placed in deportation proceedings after they applied for naturalization and were found to have committed a certain type of crime.

**ENGLISH LANGUAGE REQUIREMENT**

According to Section 312 of the Immigration and Nationality Act, “No person . . . shall hereafter be naturalized as a citi-

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**IMMIGRATION REFORM BULLETIN** provides timely information, insight, and analysis about efforts to expand opportunities for legal immigration to the United States. The bulletin seeks to highlight immigration policies that promote economic growth, national security, and individual liberty.

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zen of the United States upon his own application who cannot demonstrate an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language.”<sup>13</sup> The law states that the applicant should be able to “read or write simple words and phrases to the end that a reasonable test of his literacy shall be made and that no extraordinary or unreasonable conditions shall be imposed upon the applicant.”<sup>14</sup>

To conduct the language test, a USCIS officer will assess an individual’s ability to speak English when answering questions during the “eligibility interview” that applicants must undertake with an examiner. An individual also must be able to read and write one out of three sentences given to them. Allowances are made for older individuals and those with certain disabilities.<sup>15</sup>

#### **CIVICS REQUIREMENT**

To become a citizen, an applicant must demonstrate “a knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States.”<sup>16</sup> According to USCIS, from a list of 100, “an applicant will be asked up to 10 questions . . . [and] must answer correctly at least six of the 10 questions to pass the civics test.”<sup>17</sup>

The test for citizenship has been reengineered in the past decade. From examining the list of potential questions it appears that an applicant able to pass the test will have demonstrated the knowledge of U.S. history and government required under the statute. Some could debate whether other questions should be asked, or whether 6 out of 10 is a sufficient score. But let’s remember: the standard for obtaining citizenship cannot be as high as the standard for becoming a contestant on Jeopardy. One can be a good citizen without being an expert on U.S. history or constitutional law. The purpose of the test is to demonstrate “knowledge and understanding” of American history and principles.

Below are 10 questions selected from among the 100 questions available to USCIS

examiners to test civics. While a regular reader of reports issued by the Cato Institute is likely to be able to answer 6 out of the 10 questions correctly, think about whether there are friends, relatives, or coworkers you know who are citizens but who might be unable to obtain a passing grade by answering correctly 6 of the following 10 questions (see answers in the back).<sup>18</sup>

1. What do we call the first ten amendments to the Constitution?
2. How many amendments does the Constitution have?
3. What are two rights in the Declaration of Independence?
4. What stops one branch of government from becoming too powerful?
5. Who is the Commander in Chief of the military?
6. Who is the Chief Justice of the United States now?
7. There are four amendments to the Constitution about who can vote. Describe one of them.
8. What is one reason colonists came to America?
9. The Federalist Papers supported the passage of the U.S. Constitution. Name one of the writers.
10. What territory did the United States buy from France in 1803?

#### **CONCLUSION**

The process for becoming a U.S. citizen balances a desire to remain an open society with a mandate to ensure citizenship is granted to those who demonstrate a commitment to the country and its ideals. The significant increase in naturalization fees witnessed over the years should be monitored to ensure citizenship remains open to all, since that is itself an American ideal. President Ronald Reagan once told a class of young people, “I got a letter from a man the other day, and I’ll share it with you. The man said, ‘You can go to live in Japan, but you cannot become Japanese’—or Germany, or France—and he named all the others. But he said, anyone from any corner of the world can come to America and become an American.”<sup>19</sup>

- <sup>1</sup> As discussed, if certain conditions are met, a baby born abroad can be considered a U.S. citizen at birth.
- <sup>2</sup> Controversy arose in the 1990s during the Clinton administration when it was found that the INS had processed individuals for naturalization without always waiting for the results of the database checks. INS received approval from Congress in 1998 to charge applicants for immigration benefits a biometrics fee. The fee started at \$25 and is now \$85.
- <sup>3</sup> Historical data on naturalization fees were provided by the American Immigration Lawyers Association utilizing Federal Register notices. Also, information was obtained from U.S. Citizenship and Immigration Services.
- <sup>4</sup> Crystal Williams, executive director, American Immigration Lawyers Association, interview with author, December 9, 2010.
- <sup>5</sup> 2009 Yearbook of Immigration Statistics, Office of Immigration Statistics, Department of Homeland Security, Table 20.
- <sup>6</sup> Ibid. The Department of Homeland Security calculates the denial rate by dividing denials by the total number of denials and approvals in a year, which takes into account that applications received in one fiscal year may not be acted upon until a later fiscal year.
- <sup>7</sup> Information received from Office of Statistics, Department of Homeland Security.
- <sup>8</sup> Stuart Anderson, *Immigration* (Denver: Greenwood, 2010), p. 6.
- <sup>9</sup> For more detailed estimates of wait times, see, for example, Stuart Anderson, "Family Immigration: The Long Wait to Immigrate," National Foundation for American Policy, May 2010, or "Employment-Based Green Card Projections Point to Decade-Long Waits," National Foundation for American Policy, November 2009. These studies can be found at [www.nfap.com](http://www.nfap.com).
- <sup>10</sup> Section 320(a) of the Immigration and Nationality Act.
- <sup>11</sup> Section 316(a) of the Immigration and Nationality Act.
- <sup>12</sup> Howard Hom, "Naturalization and Citizenship Requirements," in *Navigating the Fundamentals of Immigration Law*, ed. Grace E. Akers (Washington: American Immigration Lawyers Association, 2007), p. 341.
- <sup>13</sup> Section 312 of the Immigration and Nationality Act.
- <sup>14</sup> Ibid.
- <sup>15</sup> Ibid.
- <sup>16</sup> Ibid.
- <sup>17</sup> See "Components of the Naturalization Test" at [www.uscis.gov](http://www.uscis.gov).
- <sup>18</sup> Ibid. The USCIS website does not provide the answers in the same document that lists the prospective questions. Here are answers to the questions: (1) the Bill of Rights; (2) there are 27 amendments to the U.S. Constitution; (3) life, liberty and the pursuit of happiness; (4) a system of checks and balances that allows, for example, Congress to impeach the president, the president to veto legislation passed by Congress, and the Supreme Court to declare acts of Congress and the president unconstitutional; (5) the president of the United States; (6) John Roberts; (7) the four amendments to the Constitution related to voting are the 15th amendment, which states that "race, color, or previous condition of servitude" shall not bar an individual from voting, the 19th amendment that allowed women the right to vote, the 24th amendment that bars the paying of a poll tax or any tax as a requirement for voting, and the 26th amendment, which establishes 18 as the voting age; (8) to escape religious persecution is one answer; (9) Alexander Hamilton, James Madison, and John Jay are the authors of the Federalist Papers; and (10) in 1803, the United States purchased the Louisiana territory from France.
- <sup>19</sup> Ronald Reagan, remarks to students at Suitland High School in Suitland, Maryland, January 20, 1988, cited in *Ronald Reagan: The Great Communicator*, ed. Frederick J. Ryan, Jr. (New York: HarperCollins Publisher, 2001), p. 17.