



**Homeland  
Security**

**CIS OMBUDSMAN  
STUDY AND RECOMMENDATIONS ON  
NATURALIZATION OATH CEREMONIES  
December 15, 2008**

*The Citizenship and Immigration Services Ombudsman, established by the Homeland Security Act of 2002,<sup>1</sup> provides independent analysis of problems encountered by individuals and employers interacting with U.S. Citizenship and Immigration Services and proposes changes to mitigate those problems.*

**I. EXECUTIVE SUMMARY.**

With U.S. Citizenship and Immigration Services (USCIS) naturalizing more than 1,000,000 new citizens in FY 2008,<sup>2</sup> the Citizenship and Immigration Services Ombudsman (Ombudsman) initiated a study of naturalization ceremonies in June 2008. The Ombudsman observed 19 large and small scale administrative and judicial ceremonies in six districts nationwide and interviewed customers, agencies and USCIS staff present. This study and these recommendations address how USCIS can: (1) expeditiously perform meaningful naturalization oath ceremonies that are convenient for individuals even in areas where courts dictate frequency and location; (2) inform new citizens on procedures to update their status with other governmental agencies and thus ensure access to the benefits to which they are entitled; (3) most efficiently produce secure and durable naturalization certificates for distribution at the ceremony; and (4) usefully convey to customers and stakeholders the progress being made on naturalization adjudications.

A lawful permanent resident<sup>3</sup> (LPR), seeking to become a citizen of the United States generally is required to apply for naturalization with USCIS. USCIS, which administers immigration benefits and services for the Department of Homeland Security (DHS), has authority to grant or deny the LPR's application. If USCIS approves the application, the LPR is required to take the oath of allegiance to the United States. Either USCIS or federal district courts administer the oath in naturalization ceremonies. After an LPR has taken the oath of allegiance, USCIS issues a naturalization certificate (Form N-550) to document the individual's new status as a United

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1 Homeland Security Act of 2002 § 452, 6 U.S.C. § 272 (2004).

2 USCIS reports that 1,051,640 naturalization applicants were oathed during FY 2008. (USCIS Correspondence with the Ombudsman, Dec. 4, 2008). A separate entity, the DHS Office of Immigration Statistics, indicates that USCIS oathed 1,050,131 naturalization applicants in FY 2008; it also indicates that USCIS completed 1,171,414 total applications, including denials, in FY 2008, which is 422,498 more completions than in FY 2007. (Office of Immigration Statistics Performance Analysis System report, Oct. 31, 2008).

3 Informally referred to as a "green card holder."

States citizen.

The Immigration and Nationality Act (INA) vests the DHS Secretary with exclusive authority to naturalize applicants, but reserves for the judicial branch authority to administer the oath of allegiance within 45 days of USCIS approval of the LPR's application.<sup>4</sup> In many jurisdictions, courts do not assert such authority, and USCIS administers the oath to approved applicants in what is called an "administrative" oath ceremony.<sup>5</sup>

To address challenges in conducting the naturalization oath ceremony, the Ombudsman recommends that USCIS:

**1) Issue formal guidance to its district officials clarifying their prerogatives and obligations under controlling law, regulations, and the Interagency Reimbursable Agreement (IAA) between USCIS and the Administrative Office of the United States Courts (AOUSC).<sup>6</sup>**

USCIS officials generally report that the federal courts are very responsive to USCIS requests to schedule and make judges available for naturalization ceremonies.<sup>7</sup> However, the Ombudsman received credible information that court officials denied USCIS the opportunity to naturalize persons in time to vote in the recent general elections, and the Ombudsman observed the courts otherwise engaged in conduct inconsistent with the letter or spirit of the IAA, as well as applicable law and regulations. The Ombudsman recommends that USCIS issue formal guidance to its district officials clarifying, among other things, when they are entitled to administratively naturalize armed services personnel and others without deference to the court, including persons who have not been provided an oath ceremony by the courts within 45 days of USCIS approval. The Ombudsman also suggests that USCIS and the AOUSC collaborate on guidance for those jurisdictions where courts exercise exclusive authority over oath ceremonies.

**2) Consistently include information at naturalization ceremonies for new citizens to update their status with the Social Security Administration (SSA).**

USCIS should provide new citizens information on how to contact SSA to prevent employment eligibility verification issues. Given the increased utilization of E-Verify, the electronic employment eligibility verification system, new citizens should update their status with the SSA

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4 INA §§ 310(a), (b), and (d); *see also* Immigration Act of 1990, Pub. L. No. 101-649, 104 Stat. 4978 (Nov. 29, 1990).

5 *See* INA § 310(b)(1)(B). Courts administer the oath for any approved applicant wishing to make a name change at the time of naturalization. INA § 336(e); *see also* 8 C.F.R. § 337.2.

6 *See* Inter/Intra Agency Reimbursable Agreement Analysis of Alternatives (IAA), USCIS Interagency Agreement No: HSSCCCG-06-X-00071 (June 28, 2005). *See also* U.S. Department of Homeland Security Reimbursement Agreement Between Agencies, AOUSC/USCIS, effective 10/01/2007-9/30/2008.

7 In addition to federal district courts, some qualifying state courts have exclusive authority to administer the oath of naturalization to persons in the jurisdiction of the court. INA § 310(b)(1)(B).

which provides status data to the USCIS systems.<sup>8</sup> This information is not always available at naturalization ceremonies.

### **3) Implement plans to digitally produce the photograph on the Certificate of Naturalization (Form N-550).**

USCIS has established a working group to examine the digitization of the photograph on the naturalization certificate. Digitization would improve USCIS efficiency by eliminating the current time-intensive production method of hand-gluing a passport-style photo on each certificate; it would also enhance a certificate's tamper-resistance and durability.

### **4) Post statistics monthly on the number of individuals naturalized and pending naturalization applications.**

Posting naturalization processing data on the USCIS website would help address concerns regarding the pace of adjudications, make clear to customers and stakeholders the number of pending applications and how many individuals USCIS is naturalizing on a monthly and yearly basis, and whether the agency is meeting stated goals.<sup>9</sup>

## **II. BACKGROUND.**

Naturalization represents the culmination of the immigration process for an individual. Citizenship conveys the rights to vote, hold certain federal positions, be exempt from deportation, and petition for certain family members to reside in the United States, among other rights. Former USCIS Acting Director Jonathan "Jock" Scharfen recently reflected on the significance of naturalization and stated, "USCIS has no mission of greater importance than that of naturalizing citizens."<sup>10</sup>

LPRs apply for naturalization using Form N-400 (Application for Naturalization). USCIS adjudicates naturalization applications pursuant to INA §§ 310 and 335, *et seq.*<sup>11</sup> The applicant is granted citizenship after a multi-layered process involving security and background checks, English language proficiency testing (though waivers may apply), interviewing with a USCIS officer, and paying all associated fees. The oath ceremony is the final step in the process.

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<sup>8</sup> See generally

<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=75bce2e261405110VgnVCM1000004718190aRCRD&vgnnextchannel=75bce2e261405110VgnVCM1000004718190aRCRD> (accessed Dec. 9, 2008).

<sup>9</sup> See Ombudsman's 2008 Annual Report § II. B. "Summer 2007 Surge: Frontlogs & Backlogs," pp. 8-18.

<sup>10</sup> DHS Leadership Journal, "Citizenship Day: An Opportunity to Reflect" (Sept. 17, 2008) <http://www.dhs.gov/journal/leadership/2008/09/citizenship-day-opportunity-to-reflect.html> (accessed Dec. 9, 2008).

<sup>11</sup> Under Art. I, § 8, Cl. 4, Congress has the constitutional power to "establish a uniform Rule of Naturalization."

## A. Naturalization Oath Ceremonies.

After the interview and approval, individuals are ordinarily advised of the time and location of their oath ceremony, whether administrative or judicial, on a USCIS appointment notice, Form N-445 (Notice of Naturalization Oath Ceremony). The N-445 is notated for the individual to arrive at the naturalization site one to two hours prior to the ceremony. At the ceremony site, the applicant provides the N-445 to USCIS officials and relinquishes his or her permanent residence card. Officers assign seating to facilitate quick and accurate delivery of the Certificates of Naturalization at the conclusion of the ceremony. In May 2008, the Ombudsman observed that officers in Miami hand-delivered 3,000 personalized certificates to new citizens in less than 14 minutes based on such a refined seating process.

USCIS district offices conducting administrative oath ceremonies follow the protocol contained in the USCIS *Adjudicator's Field Manual*. The Manual requires USCIS officials to observe the "solemnity and dignity of the occasion," and cautions that public remarks should not include partisan political statements or religious content. The Manual instructs that the administration of the oath be followed by the Pledge of Allegiance, a video message from the President, and patriotic music. The Manual also provides guidance for guest speakers who are often prominent civic leaders.<sup>12</sup>

USCIS conducts both large-scale and individual naturalization ceremonies, including same-day ceremonies for those with physical disabilities, the elderly, and active duty members of the Armed Services.<sup>13</sup> USCIS district officers also perform "humanitarian home visits" to hospitals and hospice facilities to naturalize the disabled or infirm. In limited cases where courts have retained jurisdiction over the oath ceremony, courts have conferred a "blanket" or "provisional" permission for USCIS to provide administrative oath ceremonies in hardship cases where mobility, transportation, or military deployment may be a factor. As discussed, though, such authority may not be needed in certain cases for certain Armed Services personnel and their families who accompany them, or spouses of persons who are stationed abroad who file for naturalization pursuant to INA §§ 319(b), 328(a) or 329.<sup>14</sup>

The number of naturalizations USCIS completed in FY 2008 was due to not only large-scale organizational measures, such as increasing personnel and work hours, but also to local

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12 Chapter 75.2 (Redacted Public Version). See <http://www.uscis.gov/propub/ProPubVAP.jsp?dockey=724ce55f1a60168e48ce159d286150e2> (accessed Dec. 9, 2008).

13 In a USCIS study of oath ceremonies nationwide, USCIS found that currently the Atlanta, Baltimore, Chicago, Charlotte, Mount Laurel, NJ, Dallas, Fresno, Montreal, Newark, Norfolk, Omaha, Orlando, Portland, Raleigh, Fairfax, VA, and Wichita district and field offices hold 10 percent to 86 percent of their oath ceremonies on the same day the naturalization application is approved. Such same-day ceremonies are estimated to serve 11.5 percent of all oath-takers nationwide. Eight percent wait 8-14 days after decision, 25 percent wait 15-30 days and 49 percent wait more than 30 days. There was no comment on the status of the remaining 6.5 percent. All USCIS offices other than those noted above hold less than 10 percent of their ceremonies on the same day. (Data provided by USCIS to the Ombudsman (July 29, 2008)).

14 See INA § 310(b); 8 C.F.R. § 310.3(b).

innovations that improve efficiency. USCIS staff have developed administrative approaches and local IT solutions to manage increased workload and production demands, and enhance customer service.

For example, the Los Angeles District Office has established a military outreach program. District officials provide immigration education to Armed Services personnel stationed within a three-hour radius of the office. Los Angeles was, therefore, well-positioned to comply with a recent USCIS initiative directing proactive outreach to military bases.<sup>15</sup> The Los Angeles office's work resulted in the first-ever on-base, same-day interview-to-oath ceremony for troops about to deploy to a combat theatre, following passage of the Kendall-Frederick Citizenship Act.<sup>16</sup>

In Miami, a supervisor serves as a single point of contact to handle court scheduling and attendant arrangements for the judicial oath ceremonies. This approach facilitates the efficient exchange of information as requests are handled by a seasoned point of contact with this USCIS office.

## **B. Naturalization Data.**

In FY 2007, USCIS received approximately 1.4 million naturalization applications, nearly double the number of applications from the previous fiscal year.<sup>17</sup> In June and July 2007, naturalization applications surged nearly 350 percent higher than the same period in 2006.<sup>18</sup> It appears that USCIS substantially exceeded its own projections that it would adjudicate 1,014,945 naturalization applications in FY 2008,<sup>19</sup> and that it naturalized more than 1,000,000 individuals in FY 2008.<sup>20</sup>

USCIS reported that as of late FY 2008, that there were approximately 475,000 naturalization applications pending for more than nine months, 192,000 more than 18 months, and 118,000 more than 24 months.<sup>21</sup> The long pending applications are compounded by factors other than

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15 USCIS Memorandum, "Military Outreach: Bringing Immigration to the Troops," Jack Bulger, Chief, Field Operations, (June 10, 2008).

16 Pub. L. No 100-251 (June 26, 2008). This law was passed after a soldier died in combat theatre while on a trip to deliver his fingerprints for his naturalization application; the law provides an overall mandate for the streamlining of the immigration process for military personnel.

17 Citizenship, Refugees, Border Security, and International Law (U.S. House Judiciary Committee Subcommittee on Immigration) *Hearing on Naturalization Delays: Causes, Consequences and Solutions* (Jan. 17, 2008) (written testimony of Emilio T. Gonzalez, former USCIS Director, that in June, July, and August 2007, USCIS received over three million applications and petitions compared to the 1.8 million applications and petitions received during the same period in 2006), [http://www.uscis.gov/files/testimony/testimony\\_ETG\\_17jan08.pdf](http://www.uscis.gov/files/testimony/testimony_ETG_17jan08.pdf) (accessed Dec. 9, 2008).

18 *Id.*

19 Information provided to the Ombudsman by USCIS (July 24, 2008).

20 *See supra* note 2.

21 USCIS Working Group, Naturalization Certificate IPT (Aug. 24, 2008).

staff and scheduling resource challenges; they include uneven geographic distribution of applications<sup>22</sup> and security checks outside the control of USCIS.

### **C. The Role of Federal District Courts in the Naturalization Process.**

Currently, federal district courts in some of USCIS' busier districts, including Chicago, Detroit, Los Angeles, and New York, retain exclusive jurisdiction over naturalization ceremonies. USCIS has emphasized to the Ombudsman that the courts have been very cooperative in USCIS reaching and exceeding its naturalization processing goals for FY 2008. Applicants in 41 of the 74 district offices that handle naturalization are subject to exclusive jurisdiction of the courts.<sup>23</sup> The remaining 33 districts courts handle applicant oath ceremonies only when the applicant simultaneously requests a name change.<sup>24</sup>

In most districts where courts exercise exclusive naturalization oath authority, courts are flexible with scheduling. Where USCIS has concerns, they relate to the impact of court restrictions on scheduling and customer service. These include issues with courts carrying out the responsibilities outlined in the IAA, including paying for the venues and providing support staff.<sup>25</sup>

USCIS reimburses the courts for all oath ceremonies they perform, at a *per capita* rate of \$14.09, which is deducted from the N-400 filing fee.<sup>26</sup> USCIS allocated \$8.7 million for FY 2008 to reimburse the courts.<sup>27</sup>

USCIS staff attend and facilitate judicial ceremonies – bringing boxes of supplies to the venue (which may be a courtroom), directing persons through check-in and verification procedures, seating them, presenting the motion to the court, handing out the certificates, educating applicants about benefits like passports and children's derivative status (which may be explained in packets USCIS places on each applicant's chair), and recording all pertinent data, including sending billing information to the courts for the court's reimbursement process.

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22 For example, data provided by USCIS Miami District Office (July 19, 2008) showed that as of mid-July 2008 the Miami office had oathed approximately 48,000 individuals. This equals the total number the Miami District oathed during FY 2007.

23 Information provided to the Ombudsman by USCIS (Nov. 18, 2008).

24 *Id.* There were 198,311 such name change requests by applicants during FY 2008. The number includes those made at the time of application and those made at the time of interview.

25 *See* Inter/Intra Agency Reimbursable Agreement Analysis of Alternatives, USCIS Interagency Agreement No: HSSCCCG-06-X-00071 (June 28, 2005).

26 *Id.* The N-400 fee is "\$595 plus a biometrics fee of \$80; the fee total is \$675. Applicants 75 years of age or older are not charged a biometric fee; their fee total is \$595. No fee is required for military applicants filing under Section 328 and 329 of the INA."

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=480ccac09aa5d010VgnVCM10000048f3d6a1RCRD> (accessed Dec. 9, 2008).

27 Data provided by USCIS Operations Planning, Domestic Operations (Sept. 3, 2008).

In the Los Angeles District, for example, court officials oathed 169,799 individuals in FY 2008 in large-scale ceremonies with up to 6,000 new citizens.<sup>28</sup> At these ceremonies, 30-40 USCIS staff and contractors were present to facilitate; court staff numbered between three and five, depending on the venue.<sup>29</sup> By terms of the IAA, the Los Angeles court reimbursement for administering oaths amounted to approximately \$2.4 million dollars for FY 2008.

Issues with judicial ceremonies include the following incidents, which were communicated to the Ombudsman by credible officials or were observed by the Ombudsman:

- **Challenges in Scheduling Additional Ceremonies.**

- In one of USCIS' largest districts where the court retains exclusive oath ceremony jurisdiction, the court refused to schedule sufficient additional ceremonies to accommodate the large number of naturalization applicants who had completed processing in Fall 2008, and refused to allow USCIS to administratively naturalize these applicants. As a result, 1,951 individuals did not receive the oath in time to register to vote in the 2008 elections, despite USCIS having completed processing and communicated its willingness to quickly plan additional ceremonies with the court.<sup>30</sup> The District Director approached the court repeatedly requesting additional ceremonies and was told the court had already "done more than its share."<sup>31</sup> When the District Director suggested USCIS be permitted to hold administrative ceremonies the court "vehemently refused," noting that these persons were not 45 days out from approval; these persons were instead scheduled for court ceremonies in November 2008.<sup>32</sup>
- In one district, a USCIS field office official requested that the court perform an additional oath ceremony to meet the USCIS FY 2008 naturalization goal. The court said it would not naturalize the applicants unless USCIS agreed to pay the rental fee for a scenic historic site at which the media would attend. The USCIS official explained she had limited funds to pay for the venue, and requested the ceremony be held in the court, which had sufficient capacity to handle the applicants. The court and field office engaged in a series of negotiating meetings that continued for a week. In the end, USCIS bore a portion of the cost for the historic venue to ensure the ceremony would take place.<sup>33</sup>
- In one district, the court was asked, but did not agree, to organize sufficient additional

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28 Information provided to the Ombudsman by USCIS (Nov. 19, 2008).

29 Data provided by U.S. District Court, Central District of California (Sept. 8, 2008).

30 Information provided to the Ombudsman by USCIS (Nov. 12, 2008).

31 Information provided to the Ombudsman by USCIS (Sept. 23, 2008).

32 *Id.*

33 Information provided to the Ombudsman by USCIS (Sept. 16, 2008).

ceremonies at larger venues to accommodate the surge in applications. To provide additional judicial ceremonies, local USCIS district officials rented a facility for 12 months, paying approximately \$1,200 per month out of local funds, and invited a judge to administer the oath.<sup>34</sup> Yet, the court retained the reimbursement even though no court facilities were used and USCIS paid the rental. The IAA provides that the fees paid by USCIS to the courts are to be used in part, for “Space Rental . . . and other overhead expenses.”<sup>35</sup>

- **Inappropriate Religious or Political Remarks.** In one judicial ceremony, an official participant of the ceremony made explicit sectarian religious remarks when discussing the origins of freedom;<sup>36</sup> in another, the judge utilized his welcoming remarks to make pointed and partisan political comments. Specifically, the judge stated that persons should “get off their dead [posteriors] and oppose the war.”<sup>37</sup>
- **Threatening Verbiage.** One USCIS district office reported an episode that resulted in a judge threatening to have USCIS officials fired for conducting an administrative naturalization ceremony. These district officials had repeatedly petitioned the court to provide additional administrative ceremonies. The district officials then exercised their authority to oath persons waiting more than 45 days, since approval from the court was no longer required as a matter of law.<sup>38</sup> The administrative oath ceremony got typical press coverage and the judge saw the event on the television news. He phoned a USCIS officer at 9:00 p.m. and threatened to have him and his colleagues fired for ignoring the judge’s decision.<sup>39</sup>
- **Customer Service Challenges.** In one major USCIS district, the Director requested that the court allow SSA to be present to provide information to newly naturalized citizens. SSA was willing to attend, but the request was denied by the court. However, the Ombudsman noted that multiple vendors were immediately inside the ceremony venue selling certificate folders, passport photos, and other items. The USCIS Director and SSA instead compiled a customer-service tip and contact information sheet that was placed on each applicant’s chair at the time of the oath ceremony.<sup>40</sup>
- **Oath ceremonies Conducted in a Foreign Language.** In one district with a large Spanish-

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34 Information provided to the Ombudsman by USCIS (Sept. 8, 2008).

35 U.S. Department of Homeland Security Reimbursement Agreement Between Agencies, AOUSC/USCIS, effective 10/01/2007-9/30/2008.

36 Observation of the Ombudsman (July 5, 2008).

37 Observation of the Ombudsman (July 18, 2008).

38 INA §§ 310(b)(1)(3)(B), 310(b)(3)(A).

39 Information provided to the Ombudsman by USCIS (Sept. 4, 2008).

40 Observation of the Ombudsman (Aug. 13 and 14, 2008).

speaking population, the judge administered the oath ceremony (introductions, directions, speech, artistic presentations, etc.) entirely in Spanish, with the exception of administering the oath itself in English and Spanish. A USCIS official polled the audience, by show of hands, to determine if every applicant present understood Spanish; despite the fact that several persons raised their hands indicating they did not speak Spanish, the presiding judge proceeded in Spanish.<sup>41</sup> While certain waivers exist, no person is naturalized who cannot demonstrate an understanding of the English language.<sup>42</sup>

- **Solemnity and Dignity of Ceremonies for Armed Services Personnel.** In a naturalization ceremony at a combat-readiness military facility where the naturalization applicants were training to be deployed, more than 100 military personnel and their guests, commanders, and trainers were seated at the appointed time that USCIS had arranged with the court. They remained waiting 90 minutes for the judge to arrive. The judge explained that he was delayed because he was waiting at the airport to bring a friend (a political figure), whom the judge wanted to speak at the event.<sup>43</sup>

The Ombudsman notes that some USCIS district officials seem unaware of the terms of the reimbursement arrangement with courts, and so do not make requests for more court resources or refer to the IAA if courts decline requests or responsibilities in keeping with it. For example, some district officials do not always understand that courts are to pay for the venue in which the oath ceremony is held.

It is the Ombudsman's understanding that there are no formal guidelines for courts conducting naturalization ceremonies, such as those shaping administrative oath ceremonies in the USCIS *Adjudicator's Field Manual*, and that the courts are characterized by a decentralized decision-making process.

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41 Information provided to the Ombudsman by USCIS (Sept. 18, 2008).

42 INA § 312; 8 C.F.R. § 312.1(a).

43 Observation of the Ombudsman (Aug. 18, 2008).

### III. ANALYSIS.

#### **Recommendation #1: Issue formal guidance to USCIS district officials clarifying their prerogatives and obligations under controlling law, regulation, and the IAA between USCIS and the AOUSC.<sup>44</sup>**

It is critical that USCIS officials understand their prerogatives and obligations in dealing with the courts to complete naturalizations. The Ombudsman recommends that USCIS issue formal guidance on the legal authorities that waive exclusive judicial authority over oath applicants who apply pursuant to INA §§ 319(b),<sup>45</sup> 328(a),<sup>46</sup> or 329.<sup>47</sup> Armed Services personnel and accompanying family members, or spouses of persons stationed abroad who file for naturalization, are in certain circumstances not subject to the exclusive judicial oath jurisdiction provisions,<sup>48</sup> and can be sworn in by USCIS officials immediately after their interviews and file reviews are completed. The ability to be administratively naturalized by USCIS is in some cases a substantial benefit: it may save soldiers from having to take an extra day of leave for a court ceremony, or save a spouse from having to defer travel plans until the court ceremony is completed.

Many USCIS districts report to the Ombudsman that they have felt obliged, or been induced by court officials, to seek approval to administratively oath applicants who may be outside of the court's exclusive jurisdiction. USCIS district officials are very reliant on the cooperation of court officials to meet naturalization goals, and court officials are otherwise regarded as persons wielding substantial power. It should be recognized that there is a lack of parity between USCIS and court officials in this area.

The Ombudsman strongly suggests that USCIS and the AOUSC collaborate on issuing guidance to court officials in those jurisdictions choosing to exercise exclusive authority over oath ceremonies to ensure that these ceremonies conform to legal standards and the IAA.

Congressional testimony offered by two members of the judicial branch in 1991, when the role of the courts in the naturalization process was in question, stressed that one of the principal

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44 See Inter/Intra Agency Reimbursable Agreement Analysis of Alternatives, USCIS Interagency Agreement No: HSSCCCG-06-X-00071 (June 28, 2005).

45 INA § 319(b) allows a foreign national whose U.S. citizen spouse is regularly stationed abroad to qualify for naturalization without residing in the United States for three years. Generally, it is available to individuals who are married to someone stationed abroad, either with a U.S. company or an international organization that has a presence in the United States. See generally INA § 310(b).

46 INA § 328 applies to all members currently serving in the U.S. Armed Forces, or those discharged from service who have served honorably for a total of one or more years, are a lawful permanent resident, and will be filing an application for naturalization while still in the Service or within six months of being discharged.

47 INA § 329 applies to members of the U.S. Armed Forces who currently serve or have served in active-duty status during authorized periods of conflict as outlined in the INA.

48 8 C.F.R. § 310.3(b).

reasons the courts wished to maintain jurisdiction over naturalization ceremonies was to preserve the “sensitivity”<sup>49</sup> and “solemnity”<sup>50</sup> of the event. Guidance to advance those ideals should be provided by governing bodies to court officials to ensure a consistent customer service ethic that safeguards the significance of the event for new citizens.

The Ombudsman will continue to monitor judicial ceremonies and compile any further findings for the House and Senate Judiciary Committees in the 2009 Annual Report.

**Recommendation #2: Consistently include information at naturalization ceremonies for new citizens to update their status with the Social Security Administration (SSA).**

USCIS should inform new citizens that they may need to update their status with the SSA to minimize problems securing employment. Such information is especially important given the increased use of E-Verify, the electronic employment eligibility verification system. Although system improvements for verifying employment authorization for new citizens are underway, it is in the best interest of these individuals to ensure status is updated with SSA.

The Los Angeles District Office provides a full-color handout and a letter, supplied by the SSA, on how to contact the SSA via web, phone, or in person. Alternatively, in the Detroit District, SSA makes clerks and a supervisor available on the day of large ceremonies to assist new citizens in completing paperwork to update status.

**Recommendation #3: Implement plans to digitally produce the photograph on the Certificates of Naturalization (Form N-550).**

New citizens are provided an 8½ by 11-inch naturalization certificate showing proof of their status. Customers often stated to the Ombudsman that their new certificate has as much ceremonial as legal value to them; some stated they plan to frame the certificate for display. USCIS has established a working group within the Office of Security and Integrity to develop business processes to digitize the photograph on the naturalization oath certificates and enhance its overall security, which would increase efficiency and improve customer service. The working group has advanced to the point of selecting print technology to place at 120 USCIS sites to produce the newly approved redesign with a digitized feature.<sup>51</sup> USCIS reported that the redesigned certificate is slated to be in production within 6-8 months.<sup>52</sup>

Currently, USCIS staff and contractors manually glue a passport-style photograph, provided by

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49 Testimony by the Honorable Ronald S. W. Lew, United States District Judge, Central District of California and the Honorable Robert Manley Parker, United States District Judge, Eastern District of Texas at U.S. House Subcommittee on International Law, Immigration, and Refugees. *Implementation of the Immigration Act of 1990*, Hearing. Legislative and Public Affairs Office Transcript, 1991. Line 953.

50 *Id.* at lines 1212, 1215.

51 Information provided to the Ombudsman by USCIS (Nov. 18, 2008).

52 Information provided to the Ombudsman by USCIS (Dec. 9, 2008).

the applicant, to each certificate and then imprint an embossed USCIS seal over the photograph on the certificate. This time-consuming process is referred to within USCIS as the “arts and crafts” or “stamp and glue” portion of the certificate production process. At one district office, the Ombudsman's staff observed that an employee could affix photographs and the seal to 15-20 certificates per hour, although several layers of review by other staff are not included in this average. While some USCIS offices utilize contract and/or clerical staff at the GS-5 to GS-7 pay levels for this function, other offices are relying on experienced adjudicators at the GS-11 to GS-12 levels to manually produce oath certificates, frequently on overtime pay.<sup>53</sup>

The USCIS working group, with approximately \$1.2 million in funding from the agency, has a three-phase plan to enhance the certificate's security and efficiency in production. The working group is consulting with the Forensic Document Lab of Immigration and Customs Enforcement, U.S. Bureau of Engraving and Printing, and the National Security Agency (NSA) to determine printing and security standards for the new naturalization certificates.

Under the first phase, the working group is devising a new process for production of oath certificates, including making any necessary changes to CLAIMS 4, the USCIS mainframe case management system for naturalization applications. The working group has determined that applicants subsequent to the roll-out of the certificate may have to go to USCIS Application Support Centers to have their biometrics (pictures and fingerprints) captured, whereas those applying beforehand may have biometrics migrated from other systems.

Phase two would integrate Homeland Security Presidential Directive 12 (HSPD-12) technology, and is to be completed by summer or fall 2009.<sup>54</sup> The HSPD-12 requires a “common identification standard for federal employees and contractors.” The working group envisions that USCIS officials responsible for producing the digitized certificate would have to insert a secure identification card into a computer terminal prior to logging in and having the capability to print oath certificates.<sup>55</sup> This development would improve the overall security of the document production process.

Digitized production of photographs on naturalization oath certificates would be more efficient and enhance document security if USCIS were to adopt security recommendations made by the Forensic Documents Lab and the NSA in confidential briefings with USCIS. Additionally, digitization could provide customers a more durable document as it will no longer rely on a

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53 See the U.S. Office of Personnel Management website for detailed information on civilian workforce salaries and wages. [http://www.opm.gov/oca/08tables/pdf/g\\_s\\_h.pdf](http://www.opm.gov/oca/08tables/pdf/g_s_h.pdf) (accessed Dec. 9, 2008).

54 See <http://www.whitehouse.gov/news/releases/2004/08/print/20040827-8.html> (“Wide variations in the quality and security of forms of identification used to gain access to secure Federal and other facilities where there is potential for terrorist attacks need to be eliminated. Therefore, it is the policy of the United States to enhance security, increase Government efficiency, reduce identity fraud, and protect personal privacy by establishing a mandatory, Government-wide standard for secure and reliable forms of identification issued by the Federal Government to its employees and contractors (including contractor employees). . . .”) (accessed Dec. 9, 2008).

55 In phase three, to be completed in October 2009, USCIS will replace other documents, such as Certificates of Naturalization and Certificates of Citizenship (for those who need proof they have citizenship by act of law, such as children of U.S. citizens born abroad), with digitized, secure documents.

glued-on photo.<sup>56</sup> USCIS has undertaken this inquiry into digitization before and it has not been realized; the Ombudsman recommends the planning and efforts of this working group be implemented.

**Recommendation #4: Post statistics monthly on the number of individuals naturalized and pending naturalization applications.**

Currently, USCIS releases local processing times for naturalization applications through its website. Up-to-date, national data on the number of individuals applying for naturalization, awaiting naturalization adjudications, and actually naturalized is not readily available to the public. While a USCIS official testified in 2008 about USCIS naturalization goals, and the agency released a public notice on expanding its working hours to accommodate more naturalization applicants, USCIS has not provided a complete and accurate picture of its naturalization processing to customers and the public. Providing national data on a monthly basis on its website would help ensure that Congress, the media, and other stakeholders have accurate information on workload challenges, as well as accurately reflecting the agency's achievements. Customers would also benefit by being able to better understand processing cycle times.

**IV. CONCLUSION.**

The Ombudsman believes that the process improvements recommended in this study would enhance customer service for new citizens and result in efficiencies for USCIS.

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<sup>56</sup> Currently, individuals may opt to obtain and carry a passport issued by the Department of State. Others may carry the paper naturalization certificate in a wallet as proof of status; over time, this causes the certificates to deteriorate. Customers then may have to seek a replacement on Form N-565 (Application for Replacement Naturalization/Citizenship Document) for a fee of \$210. INA § 343.