

Congress of the United States
Washington, DC 20515

September 12, 2019

The Honorable Mark T. Esper
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

The Honorable Kevin McAleenan
Acting Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Avenue, N.W.
Washington, D.C. 20528

Dear Secretary Esper and Acting Secretary McAleenan:

We write to request further information regarding the process by which non-citizen servicemembers, including lawful permanent residents (LPRs), may seek naturalization and the adjudication of their applications. The precipitous drop in the number of servicemembers applying for and earning U.S. citizenship in recent years raises serious concerns that policies by your agencies may be impeding those who have put their lives on the line to defend our nation from seeking and attaining naturalization.

Regarding the process by which non-citizen servicemembers, including LPRs, may seek naturalization, we are aware that the Department of Defense (DoD) issued a policy memorandum in 2017 outlining several changes to the certification process for military servicemembers seeking naturalization.¹ Of course, we recognize the importance of addressing potential counterintelligence threats and related national security concerns—and we appreciate DoD’s efforts to ensure the security of any recruitment pathway. However, media reports suggest that the new policy has had a chilling effect—unit leaders that would have previously provided assistance or guidance for servicemembers filling out required paperwork to apply for naturalization are no longer doing so. Our concern, therefore, is principally focused on ensuring non-citizen servicemembers, including LPRs, are aware of what is required to seek naturalization and the resources available to them to that end. We believe that where there are non-citizen servicemembers serving honorably in the U.S. Armed Forces, there should be a clear and efficient process to seek certification for such honorable service and, ultimately, naturalization.

Turning to the review of naturalization applications, we are puzzled by what we have found in the U.S. Citizenship and Immigration Services’ (USCIS) data. In the second quarter of fiscal year 2019, USCIS denied 17.6 percent of military applications for citizenship—more than 6 percent higher than the 11 percent civilian application denial rate.² The report marks an increase

¹ Certification of Honorable Service for Members of the Selected Reserve of the Ready Reserve and Members of the Active Components of the Military or Naval Forces for Purposes of Naturalization October 13, 2017
<https://dod.defense.gov/Portals/1/Documents/pubs/Naturalization-Honorable-Service-Certification.pdf>

² USCIS N-400 Data, Quarter 2, 2019
https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Naturalization%20Data/N400_performancedata_fy2019_qtr2.pdf

from the first quarter fiscal year 2019 denial rate for military applicants (16.6 percent) and it is the seventh quarterly report out of the last nine that has noted a higher rate of denial for military applicants than civilian applicants.³ We are baffled that those servicemembers who volunteered to protect and defend the United States and fulfilled the requirements outlined in the DoD policy memorandum, to include honorable service and honorable discharge, would be denied at a rate higher than the civilian population seeking U.S. citizenship.

In order to better understand how DoD implements the policy outlined in the 2017 memorandum and the criteria by which USCIS evaluates servicemember applications for citizenship, we request your responses to the following questions:

For DoD:

1. What is the average time it takes for a servicemember to receive a response to a request for certification of honorable service once a completed USCIS Form N-426 is submitted?
2. What support services are available to servicemembers seeking citizenship on DoD installations in the United States?
3. How many USCIS representatives or other immigration officials are available to assist DoD personnel with naturalization questions and related processes on DoD installations?
4. What guidance do unit commanders receive to implement the new DoD policies for non-citizen servicemembers? Please share such guidance.
5. What efforts does DoD make to ensure servicemembers who may become eligible for naturalization understand requisite steps and criteria and can make necessary preparations?

For USCIS:

1. What are the criteria by which you evaluate applications for citizenship?
2. Are the evaluation criteria for reviewing and adjudicating an application from a civilian and that of a servicemember any different? If so, please explain those differences.
3. What is the average time it takes to process a servicemember application?
4. What are the most common justifications for denial of a servicemember application?
5. USCIS plans on closing 13 international field offices by August 2020. How will these closures impact servicemember applications?
6. How do you explain the disparity in rates of denial to civilian and military applicant populations?

³ USCIS N-400 Data, Quarter 1, 2019

https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Naturalization%20Data/N400_performancedata_fy2019_qtr1.pdf

Thank you for your time and attention to this matter. We look forward to your response.

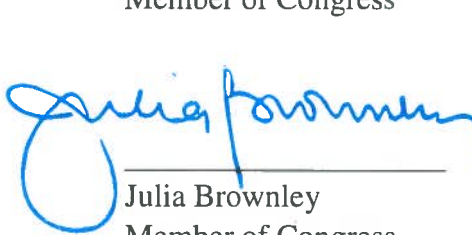
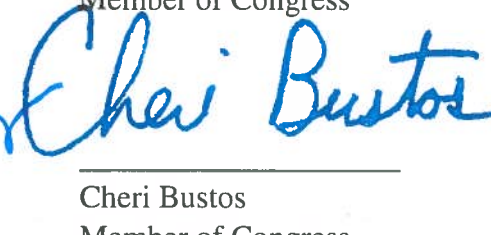
Sincerely,

Gilbert R. Cisneros, Jr.
Member of Congress

Veronica Escobar
Member of Congress

Salud Carbajal
Member of Congress

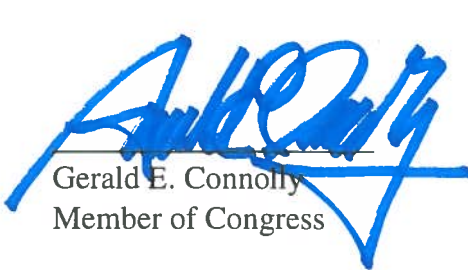
 

Julia Brownley
Member of Congress

Cheri Bustos
Member of Congress



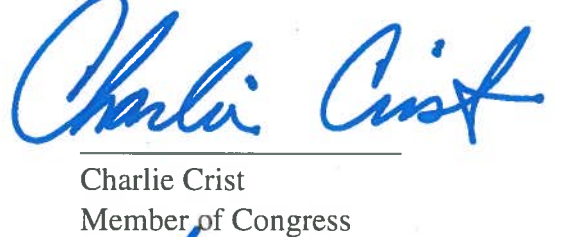
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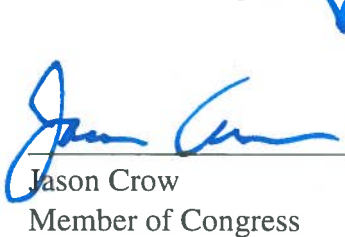
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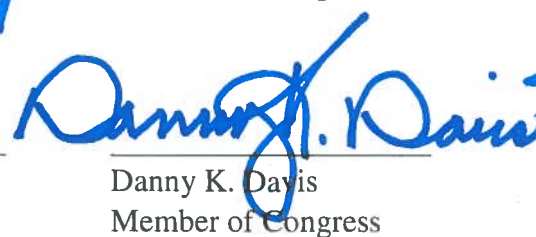
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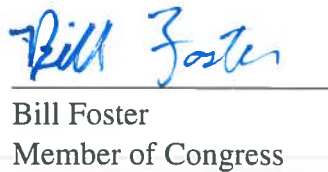
Jason Crow
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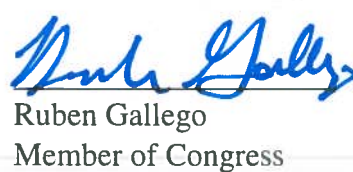
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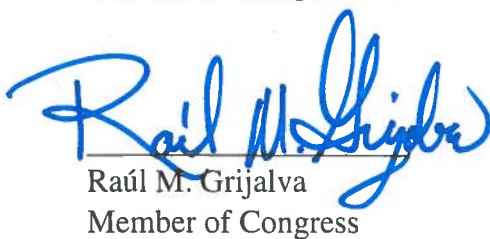
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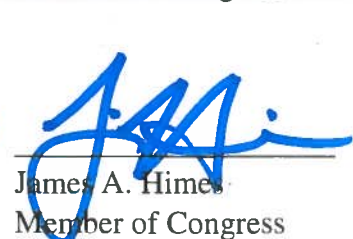
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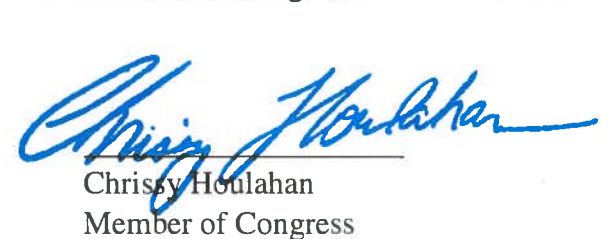
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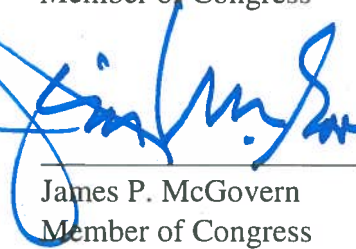
Barbara Lee
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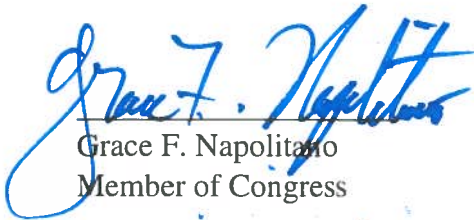
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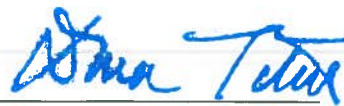
Jackie Speier
Member of Congress



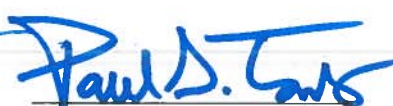
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