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FBI Name Check Process Causing Mass Disenfranchisement in Election *Naturalization Backlog has Robbed Hundreds of Thousands of their Right to Participate in the Democratic Process*

(NEW YORK, October 30, 2008)—The FBI’s name-check process—and the excessive delays it has caused for hundreds of thousands waiting to be naturalized in time to vote next week—is unacceptable and must be swiftly addressed, said NYU School of Law’s Center for Human Rights and Global Justice (CHR&GJ) today.

The Center called on Congress to push through legislation that would force the United States Citizenship and Immigration Services (USCIS) to immediately deal with its backlog of citizenship applications at a pivotal moment in current U.S. electoral politics. Although several states allow voters to register the day of the elections themselves, it is already too late for delayed applicants to register in time.

“The FBI’s broken and ineffective name check process has jeopardized the rights of several hundred thousand individuals without any discernible benefits to national security and with grave consequences for the democratic process,” said Smita Narula, Faculty Director of the CHR&GJ. “Congress must do everything in its power to undo this backlog and expedite citizenship so that countless individuals who have faced inordinate and illegal delays for years will finally be able to take part in the democratic process and become American citizens.”

Federal law requires USCIS to notify applicants of their naturalization application status within 120 days of an applicant’s examination. Increased security checks in the citizenship application process, manifested in a substantial expansion of FBI name-check procedures, has resulted in a massive backlog of unanswered or unresolved applications, leaving applicants in legal limbo for years on end. This backlog—which has delayed the applications of more than 300,000 applicants—has resulted in a significant spike in applicant lawsuits, which now clog the federal courts and is contributing to mass disenfranchisement in the 2008 Elections. According to the former USCIS Ombudsman, prolonged name checks “significantly delay adjudication of immigration benefits for many applicants, hinder backlog reduction efforts, and rarely, if ever, achieve their intended national security objectives.”

In response to these inordinate delays and their consequences on applicants’ rights, the CHR&GJ is calling for the following actions:

- Congress should act quickly to reintroduce and pass the *Citizenship Promotion Act*, which was originally introduced in March 2007 by Senator Barack Obama and Representative Luis Gutierrez. The bill called for the timely processing and adjudication of naturalization applications and would make the USCIS less dependent on application fees for funding by allowing it to receive congressional appropriations.

- The House Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law should reintroduce and pass the *Citizenship Immigration Backlog Reduction Act*, originally introduced in October 2007 by Representative Yvette Clark. The bill calls on the FBI to develop a more transparent and efficient “name check” process and to resolve its current backlog within 18 months of passage.
- The USCIS and the FBI must ensure greater transparency in how backlog figures are calculated and must follow through on benchmarks delineated in their April 2008 interagency agreement aimed at reducing the current backlog.

“As this election clearly shows, citizenship delays have a devastating impact on countless individuals whose only crime is a desire to become American,” said Narula. “Those who are stuck in this limbo are separated from loved ones abroad, endure restrictions on their ability to work, travel, and receive life-saving benefits, and are robbed of one of the most fundamental of American values—the right to participate in civic life. These delays are not only illegal, they are un-American.”

To find out more about citizenship delays, please see this [CHRGJ Fact Sheet and Call to Action](#).

For more information on the Center’s work related to citizenship delays please visit:

<http://chrgj.org/projects/profiling.html>

For more information about our work, please visit the Center’s website at <http://www.chrgj.org>

About the CHRGJ

The Center for Human Rights and Global Justice was established in 2002 to stimulate cutting edge scholarship and to make original and constructive contributions to on-going policy debates in the field of human rights. By emphasizing interdisciplinary analyses, the Center’s programs seek to situate international human rights law in the broader context of the political, jurisprudential, economic, sociological, historical, anthropological and other influences that shape it and determine its impact.

Philip Alston is the Center’s Faculty Chair; Smita Narula and Margaret Satterthwaite are its Faculty Directors; Jayne Huckerby is Research Director; Veerle Opgenhaffen is Program Director; and Lama Fakih is Center Fellow.

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