



UNITED STATES GENERAL ACCOUNTING OFFICE  
WASHINGTON, D.C. 20548

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GENERAL GOVERNMENT  
DIVISION

FEB 28 1975

Mr. Leonard F. Chapman, Jr.  
Commissioner, Immigration and  
Naturalization Service  
Department of Justice

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Dear Mr. Chapman:

We have reviewed the Immigration and Naturalization Service's (INS) program for naturalizing permanent resident aliens. Our review identified several areas in the INS citizenship education program and in the procedures for processing naturalization applications, where improvements are needed. We performed our review at the INS central office in Washington, D.C. and at INS district offices in New York and San Francisco. Our review included an examination of the INS program for promoting citizenship education and INS procedures for determining an alien's qualifications for citizenship.

IMPROVEMENT NEEDED IN INS CITIZENSHIP  
EDUCATION PROGRAM

INS does little monitoring and promoting of citizenship education programs as authorized by Section 332(b) of the Immigration and Nationality Act of 1952, as amended. A more active role by INS in the education area could have a positive effect in influencing more of the over 4.1 million resident aliens in the United States to apply for citizenship.

Federal regulations (8 C.F.R. 332b) require INS to cooperate with appropriate authorities or organizations in establishing citizenship classes; and wherever practical, to visit such classes. The regulations also state that INS should make available the names and addresses of new aliens to local public schools for the purpose of interesting applicants in attending classes and to provide them with free textbooks.

We found that neither the New York nor the San Francisco district offices are meeting all of the requirements; field visits to the schools are not being made and many aliens are not being contacted regarding the availability of citizenship classes.

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District officials informed us that other priorities preclude them from applying additional resources to the promotion of citizenship education. School officials informed us that existing citizenship promotion is done without the knowledge or aid of INS. Other information obtained during our review shows that:

--Of the approximately 65,000 visa name slips showing the names and addresses of aliens in the New York district sent to the New York City Board of Education each year, only 15 percent of the aliens are contacted regarding the availability of citizenship classes. Board of Education officials told us that they lack funds necessary to perform this operation completely.

--Although the San Francisco district mails visa name slips to 27 counties/school districts, an additional 21 counties/districts are not on the mailing list to receive the name slips. Of the 20 counties/school districts responding to our inquiry concerning the use made of the slips, five made little or no use of them and wanted to discontinue receiving the slips. School officials interviewed said that the slips are delivered late and often contain inaccurate names and addresses.

--Of the 75 aliens and newly naturalized citizens interviewed in the San Francisco district, only 15 attended a citizenship class or home study course and only 12 completed the class. Of the 150 aliens and newly naturalized citizens interviewed in the New York district, only 12 attended a class or home study course and only three completed the class.

--Textbooks similar to the ones distributed by INS are being offered by private enterprise and non-profit groups. Several school authorities in the New York and San Francisco districts are using this text material to augment the textbooks provided by INS. Several school authorities have stated that much of the material in the INS textbooks is outdated. They also stated that INS has not given them guidelines on what information in the textbooks should be emphasized in the classes.

--Many aliens do not apply for citizenship because they are fearful of not meeting the educational requirements and feel they may suffer some consequence for failing.

INS's program to encourage aliens to prepare themselves for citizenship is not reaching many aliens, and has had little impact in motivating aliens to attend citizenship classes or home study courses. We believe that INS should review the program to identify improvements, such as updated textbooks, which can be made to make it more responsive to statutory requirements. We believe this will result in greater participation of aliens in citizenship classes and home study courses and increase the probability that more of the over 4.1 million resident aliens in the United States would apply for citizenship.

IMPROVEMENT NEEDED IN EVALUATING ALIENS'  
QUALIFICATIONS FOR NATURALIZATION

Changes in the INS naturalization program are needed to reduce costs and to provide better assurance that all material facts needed to evaluate the aliens' qualifications are brought to light. We believe that the use of paralegals to assist examiners in conducting preliminary examinations of naturalization applicants would result in a significant cost savings. Guidelines are needed regarding the required level of competency that applicants must demonstrate in English and government. Changes are also needed in the procedures used by INS to obtain Federal Bureau of Investigation (FBI) name checks to provide better control and to reduce the time needed to process these checks.

Paralegals Can Be Used to Perform Parts  
of the Preliminary Examination

INS is currently using GS-12 and GS-13 attorneys as naturalization examiners. The preliminary examination of aliens usually takes about 20 to 30 minutes with the majority of the time spent verifying the accuracy of information in the application, and testing the applicant's knowledge of government and understanding of English.

Most of the examiners we interviewed agreed that a considerable part of the examination consists of duties that should not require the services of an attorney and could be accomplished by experienced clerical personnel or paralegals. The final decision as to whether an alien should be recommended for naturalization would still be made by an attorney. The attorney would also be available to assist the paralegal in solving technical issues that may develop during the review of the applications.

We recommend that INS use paralegals to examine applications and applicants with an attorney making the final review. We believe the use of paralegals would result in cost savings, reduce the number of examiners INS says it needs to handle the naturalization workload, and increase the number of applicants that could be processed.

### Lack of Uniformity in Citizenship Requirements

The Immigration and Nationality Act of 1952, as amended, requires an applicant to read, write, and speak ordinary English. The law also requires a knowledge of our government. The law established general educational requirements but did not establish specific competency levels needed to meet these requirements. INS has not established guidelines for the level of competency needed to meet the educational requirements; therefore, the competency levels in English and government are the prerogative of the examiner.

Our interviews with aliens and naturalized citizens in the San Francisco area indicated that individual examinations in government consisted of as few as two questions and as many as 34 questions. Ten was the average number of questions on the government examination. In the New York area, however, the number of questions asked on the government examination ranged from 6 to 10.

We also found that there is a wide range in the degree of difficulty of the questions asked by examiners. The required level of competency in English and government varied between examiners due to inadequate guidelines. Consequently, an individual's receipt of citizenship becomes subjective, depending on which examiner performs the examination.

We believe that INS should establish educational competency guidelines so that examiners can equitably apply them to a wide variety of aliens with some uniformity.

### Improved Alien Background Investigations For Naturalization Needed

The moral character and background of aliens applying for naturalization is verified by the testimony of two character witnesses, by neighborhood investigations, and by agency name checks submitted to the FBI. We found that all material information concerning a naturalization applicant may not be known because the alien's character witnesses provide only limited information to the examiners, neighborhood investigations of aliens are seldom performed, and of the absence of internal controls over the processing of agency name checks.

The two character witnesses brought to the examination by each alien usually are friends or relatives, and it is unrealistic to assume that they would provide any derogatory information. Responses from the 225 aliens and naturalized citizens we interviewed in the San Francisco and New York areas indicated that of the witnesses 66 percent (147 of 225) were friends, 23 percent (52 of 225) were relatives, and 11 percent (25 of 225) were co-workers or others.

Examiners in the San Francisco district office estimated that witnesses provided useful information in slightly more than one case per examiner staff year. Some examiners told us that the requirement for witnesses deters some aliens from attempting to naturalize and other examiners said the witnesses provide only limited information regarding the applicant's background.

INS can also use neighborhood investigations to verify the background and moral character of applicants for naturalization; however, these detailed investigations are seldom performed. Between May 1973 and May 1974, the Investigation Branch of the San Francisco district office completed the following neighborhood investigations for the Citizenship Branch.

| <u>Types of Investigation</u> | <u>Number Completed</u> |
|-------------------------------|-------------------------|
| Criminal                      | 77                      |
| Subversive                    | 38                      |
| General                       | <u>74</u>               |
|                               | <u>189</u>              |

During this period 10,508 petitions were filed in San Francisco. During fiscal year 1974, 25,375 petitions for naturalization were filed in the New York district, and the office completed 1,398 investigations.

INS also requests a name check by the FBI on each applicant to determine whether the applicant has a criminal or other record. The information submitted to the FBI consists of a fingerprint card and a biographic information form. In the San Francisco district, the name check request is submitted to the FBI after the alien's application has been reviewed. In the New York district, the name check request is not submitted until after the alien has been examined and his petition filed with the court.

The district offices wait a maximum of 40 days for the name checks to be returned before further processing of the application or petition. If the name check is not returned within 40 days, the district offices assume that the applicant does not have a record with the FBI and resume processing of the application or petition.

Although the district offices send the name checks directly to the FBI, the name checks are not returned to the district office that submitted the request. Instead, they are sent to INS's Washington district office and processed there. Negative name checks received by the Washington district office are destroyed except in special cases where a district office has requested their return. Name checks which locate a criminal or other record on the alien are returned to the applicable district office to be used in deciding whether the alien is qualified for naturalization.

INS has little internal control over the processing of agency name checks because:

--The district offices submitting name check requests do not submit a listing of the aliens being checked to the Washington district office nor do they maintain such a listing themselves.

---The Washington district office does not maintain records of the name checks returned to it except in those cases where the check is positive.

Since witnesses provide only limited information regarding the alien's background and moral character and neighborhood investigations are seldom performed, the name check request on each applicant takes on added importance in the determination of an alien's eligibility for citizenship.

The present system provides no assurance that (1) name check requests are sent from the district offices to the FBI, (2) name check requests reach or are processed by the FBI, and (3) positive name checks are returned to the applicable district offices. Consequently, the possibility exists that the examiner does not have for his use in the decision making process, all information of record concerning an alien's background. We recommend that procedures be instituted to provide for adequate control over name check requests to insure that FBI records are searched for all applicants prior to naturalization.

#### Time Needed to Perform Agency Name Checks Can Be Reduced

An INS Washington district office official informed us that an FBI name check takes an average of 2 weeks. Unless the name check is positive, however, the appropriate INS district office will wait the maximum 40 days before further processing of the application or petition. Time needed to process applications could be reduced if district offices were notified of the results of name checks as soon as they are received from the FBI.

The Immigration and Nationality Act of 1952, as amended, requires a 30-day waiting period between the time a petition is filed with the court and the final court hearing. The New York district office does not submit the name check request until after the alien's petition has been filed with the court. Since the district office normally waits a maximum of 40 days for the name check to be returned before the final hearing, submitting the name check request after the petition has been filed results in an additional 10-day delay.

If the name check request was submitted earlier in the process, the 10-day delay could be eliminated. For example, the request could be submitted at the time the citizenship section determines that the application

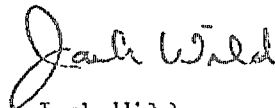
is complete and an appointment with the examiner for the preliminary examination can be made. This would permit return of the name check request prior to the alien's examination, and would be beneficial because (1) the examination may be unwarranted in light of information included in the response to the name check and (2) the additional information would be at the disposal of the examiner at an earlier point in the process.

We recommend that the New York district office submit its name check requests to the FBI at the time a determination has been made for the examination, and that all responses to name check requests be returned to the applicable district offices so that processing can be expedited and internal control can be strengthened.

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We would like to thank INS officials at the central office and at the district offices in San Francisco and New York for the cooperation they gave us during our review. We would appreciate being apprised of any action you may take on the recommendations included in this report.

Sincerely yours,



Jack Wild  
Assistant Director