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## **A Shorter Path to Citizenship, but Not for All**

By NINA BERNSTEIN

Beverly Lindsay, a Jamaican-born practical nurse who has made her home in New York for 26 years, filed for citizenship in June with the help of her union, and prepared for a long wait. After all, as recently as a year ago, the United States government acknowledged a huge backlog in such applications, and estimated that processing typically took almost a year and a half in New York — triple the wait in San Antonio or Phoenix.

But a mere three months and 10 days after Ms. Lindsay applied, she was sworn in as a citizen. “I’m proud, and I’m happy I’m going to vote in November,” said Ms. Lindsay, 49.

Her success, however, underscores the frustration of Sophia McIntosh, another New Yorker from Jamaica who applied for citizenship through the same health care workers union program three years ago. Not only is she still waiting, but her case is also now among at least 960,000 immigrant applications pending nationwide that federal officials have simply stopped counting as part of their backlog — a backlog they had pledged to eliminate by this month.

“It’s not fair,” said Ms. McIntosh, 34, a nursing assistant and mother of two, who has been a legal resident of the United States since 1992. “I did all the right things. I want to be able to have a voice in this country.”

Until recently, the glut of pending cases was so large that President Bush’s vow in 2001 to cut the standard wait to six months or less nationwide seemed unreachable. Now immigration officials say they have more than met that goal, shrinking the average wait to five months for a citizenship decision. And no district shows more dramatic improvement than New York, where the wait has officially shrunk to 2.8 months.

But the numbers are not quite as rosy as they seem. To accomplish their mission, officials at the United States Citizenship and Immigration Services explain, they identified and stopped counting thousands of backlogged cases that they now define as outside the agency’s control, mostly those delayed by unexplained lags in standard security clearances by the Federal Bureau of Investigation.

The result is a two-tier system. More applicants than ever are receiving a decision in record time, in part because of an influx of temporary workers working for the agency and new efficiencies. But others are still falling into the system’s black holes, joining thousands who have been waiting for years, but are now off the map. While praising the agency’s improvements, immigrant advocates contend that officials have manipulated the figures to declare victory and made it harder to seek redress.

Behind the clash over the agency’s new math are anxieties heightened by the immigration debate and looming elections, advocates and officials said. Legal residents who lack the security of citizenship feel more vulnerable to deportation these days and deprived when they cannot vote. And the immigration agency is under political pressure to show that it can handle any new programs without derailing old ones.

“Why should we be faulted for sitting on cases that we aren’t sitting on?” asked Emilio T. Gonzalez, director of Citizenship and Immigration Services, which now takes responsibility for fewer than 140,000 of the 1.1 million immigrant applications that it identifies as pending for more than six months.

Mr. Gonzalez added that he would soon seek “significant” fee increases to cover the costs of processing applications. The agency is losing many of the 1,200 temporary employees who helped speed lagging cases under a four-year Congressional grant that ended Sept. 30.

But to Laura Burdick, a national deputy director of Catholic Legal Immigration Network, raising the fees would only compound the inequity experienced by those who have nothing to show for what they pay — for a citizenship application, the cost is now almost \$400. As for the change in the way cases are counted, she added, “It makes you just question the validity of any of the information they’re giving us.”

Data supplied by the government to The New York Times showed some unusual fluctuations. The New York office, for example, has long had the largest pending citizenship caseload in the nation, averaging about 100,000 through much of 2004 and 2005. The estimated wait for a decision was more than 16 months in October 2005. But a month later, it dropped to nine months, and 33,240 applications vanished from the count of pending cases.

Christopher Bentley, a spokesman for Citizenship and Immigration Services, said a physical inventory conducted for the first time in three years had revealed that the agency had overcounted its backlog by more than 33,000 cases. “The really good news is the vast majority of those cases were cases that had already been completed,” he said.

Temporary workers were deployed to help from as far away as Texas and Nebraska, Mr. Bentley added, and the remaining caseload in New York shrank to 33,017 by July. New definitions deducted 10,663 more city cases as being outside the agency’s control, which cut the estimated wait for the remaining 22,354 to less than three months. Such calculations have puzzled Crystal Williams, deputy director of programs for the American Immigration Lawyers Association.

“I really don’t understand why they’re doing this,” she said, “because they have accurate good news to give: They have improved enormously. But it’s pretty obvious to anyone who has observed this process for any amount of time that they are playing with the numbers.”

She added, “All these cases they aren’t counting still have to be adjudicated — it’s not like they’ve gone away.”

Thousands of applicants are being omitted from the backlog for reasons other than security checks, usually because the agency has asked for more information, the applicants are awaiting a second interview or a local court has not yet scheduled an oath of allegiance.

But delays in conducting security clearances are especially frustrating for applicants. Lorenzo Zepeda, 38, who immigrated from El Salvador at 18 and worked his way up from pot washer to head chef at a nursing home in Woodmere, N.Y., applied for citizenship almost three years ago.

“We already write, like, 10 letters to them; we never get no answer back,” said Mr. Zepeda, who is married to an American. The couple are expecting a child in April. “I really love this country. I want to make decisions in this country. And I’m paying my taxes like everybody else.”

Also still waiting are a number of Iraqi Kurds who arrived in the United States a decade ago as political refugees, settled in Nashville and were interviewed by the F.B.I. before the Iraq war as experts loyal to the United States.

One refugee, Hadi Gardi, 49, says he teaches Arabic and Kurdish to American soldiers at an Army base in Georgia. He passed background checks for that job, as he did for earlier ones dating to his work as a translator for Americans in Iraq. His wife gained citizenship last October. But though he applied when she did, he is still waiting, told only that the F.B.I. is checking his name.

“I lost so many opportunities,” he said, referring to government jobs that were open only to citizens. He added that he had made fruitless appeals to his congressman.

By law, applicants who are not given the citizenship oath 120 days after passing the interview can seek a court order compelling government action. Such suits have pushed the authorities to expedite some security name checks that had been languishing, including cases of elderly and disabled refugees who have to naturalize within seven years or lose government aid.

But in May, citing national security concerns, Citizenship and Immigration Services closed off that path by ordering district offices not to hold interviews until clearances were completed.

Last month, in court papers seeking the dismissal of a federal lawsuit brought on behalf of stymied applicants in New York, lawyers for the government provided a rare window into the F.B.I.’s National Name Check Program, giving insight on why the process can take so long.

The first step involves a computerized search of the F.B.I.’s Universal Index of 94.6 million records for all mentions of a name, a close date of birth and a Social Security number. Different permutations of the name are tried, like the first and middle name only. Nearly a third of naturalization cases come back as having a potential match.

Most of those are cleared up within three months through a search of computer databases. But in 10 percent of all cases, the possible reference is in paper records created before automation in October 1995 and in one of 265 possible locations. F.B.I. analysts must retrieve and review records to see whether the information actually pertains to the same individual and is derogatory.

“Common names (such as Mohammed, Singh, or Smith) may result in hundreds of potential matches,” government lawyers wrote. “The sheer volume of the requests has also resulted in delays.”

Immigration name checks compete not only with those needed for counterintelligence, but also with a growing number sought by government agencies before they bestow a privilege, like attendance at a White House function. Demand has risen drastically, from 2.5 million requests a year before Sept. 11, 2001, to more than 3.7 million in fiscal year 2005. Among those still unresolved are more than 400,000 immigrant name checks dating to December 2002.

Still, more recent applications are moving so fast that the citizenship program at the health care workers union has doubled the size of its annual celebration, said Celeste Douglass, the coordinator. “People want the safe status of a U.S. citizen,” she added. “That six-month turnaround is really starting to happen. Now, how do we get those cases out of the backlog?”

Jo Craven McGinty contributed reporting.