

Federal Suit Is Seeking to Expedite Citizenship

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A federal lawsuit was filed yesterday in California against immigration authorities, seeking to help legal immigrants whose petitions for citizenship have been held up by delays in background checks performed by the F.B.I.

The lawsuit, a class action, was filed in federal court in Santa Ana, on behalf of four immigrants who have lived legally in the United States for many years and are eager to become citizens. After filing naturalization petitions, each has waited a year or more without being approved because the Federal Bureau of Investigation has not completed a required criminal record check. They have received no explanation for the delays, according to the suit.

“I want to be assimilated into the system here; I want to vote for the president,” said Abbas Amirichimeh, a 41-year-old immigrant from Iran who has been living legally in the United States since 1994 and is a plaintiff in the suit.

Mr. Amirichimeh applied for citizenship in May 2003, and has been told only that his petition is delayed because the background check is not complete. “I’m just getting a runaround and nobody really cares,” he said in a telephone interview yesterday.

Backlogs of F.B.I. background checks from past naturalization petitions are dogging the Citizenship and Immigration Services agency at a time when it is swamped with 1.4 million new petitions from aspiring citizens in the past year. In a report in June, Presh Khatri, the ombudsman of the immigration agency, said the F.B.I. checks “may be the single biggest obstacle to the timely and efficient delivery of immigration benefits” by the agency.

Christopher Bentley, an agency spokesman, acknowledged a backlog but said the cases were a relatively small part of the overall workload of background checks. Of more than 1.5 million checks the agency ordered from the F.B.I. in the year ending Sept. 30, 90 percent cleared within six months, he said.

Of about 300,000 name checks waiting to be completed, Mr. Bentley said, about half have been hung up in the system for more than six months.

Mr. Bentley and F.B.I. officials would not comment on the lawsuit, saying it was pending litigation. It was filed by the National Immigration Law Center, a public interest law group in Los Angeles, and the American Civil Liberties Union.

Citizenship and Immigration Services, which is in charge of deciding naturalization petitions, contracts with the F.B.I. to carry out the background checks. Basic checks against the bureau's roster of criminals are computerized and go quickly, officials said.

But because of policy changes in 2002 as a result of the Sept. 11 attacks, the F.B.I. must check not only the name of the applicant but also any references to that name in its files, officials said. The reference files are not all in computer databases and some must be searched manually, Richard Kolko, a spokesman for the bureau, said.

Those files include names of people who committed no crimes, including victims and witnesses, F.B.I. officials said. They said they had been consolidating and modernizing the databases. The lawsuit seeks to force Citizenship and Immigration Services to impose deadlines for completing all the checks and challenges the expanded searches. The lawsuit is the first to include citizenship applicants who have not already passed the required civics examination administered by an immigration officer. By law, the agency is required to decide on naturalization petitions within 120 days after the candidate passes that test.

Lawyers said the likelihood was small that legal immigrants who applied for naturalization would have a criminal background because any record was a legal bar to becoming a citizen.

Jim Moorhead, 56, another plaintiff, is a British citizen who said he had lived as a legal immigrant in the United States for 30 years. In 1991, Mr. Moorhead was named a citizen hero by Los Angeles County when he captured an armed robber. A name check delay has held up his citizenship petition for two years.

"I've given 30 years of my life to America," he said, "and now I can't even do the right thing by becoming a citizen."