

# U.S. to give green cards, then check backgrounds

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WASHINGTON - In a major policy shift aimed at reducing a ballooning immigration backlog, the Department of Homeland Security is preparing to grant permanent residency to tens of thousands of applicants before the FBI completes required background checks.

Those eligible are immigrants whose fingerprints have cleared the FBI database of criminal convictions and arrests, but whose names have not yet cleared the FBI's criminal or intelligence files after six months of waiting.

The immigrants who are granted permanent status, more commonly known as getting their green cards, will be expected eventually to clear the FBI's name check. If they don't, their legal status will be revoked and they'll be deported.

The decision to issue green cards demonstrates how federal agencies are struggling to keep up with surging immigration applications while applying stringent post-Sept. 11 background checks.

About 150,000 green card and naturalization applicants have been delayed by the FBI name check, with 30,000 held up more than three years.

DHS officials are determining exactly how many are affected, but confirmed that tens of thousands of people could be eligible for the expedited procedure. The new policy was outlined in an internal memo obtained by McClatchy Newspapers. Officials said the policy will be posted this week on the department's Web site.

Attorneys who represent immigrants applauded the new policy and predicted green cards would be issued faster.

However, advocates of stricter immigration enforcement accused DHS of creating security loopholes, rather than solving the backlog problem.

"It's a decision driven by the bureaucratic imperative to move the line along rather than addressing national security concerns," said Mark Krikorian, executive director of the Center for Immigration Studies. "It defies the imagination that you can require a security check only to decide that you're going to ignore it."

DHS officials said the new process does not pose any new security risks because green card applicants have been allowed to remain in the country while they wait to be screened.

"We will do nothing that cuts corners or compromises national security," said Chris Bentley, a spokesman for Citizenship and Immigration Services, the DHS agency that processes green cards and citizenship. "This is something that we're doing to get benefits to people who deserve them as quickly as possible."

Immigrants seeking U.S. citizenship will continue to be required to clear the name checks before being naturalized. Officials said the requirements remain in effect for naturalization because U.S. citizenship is more difficult to revoke than a green card.

The backlog of background checks for both naturalization and green cards swelled in the wake of the 2001 terrorist attacks after immigration officials resubmitted 2.7 million names to the FBI.

At the same time, the bureau tightened its background check requirements. The FBI not only runs applicants' names against lists of suspects in criminal and intelligence files but also looks for names of applicants that have surfaced during the course of an investigation or any associates of suspects.

"It's a very complicated process," said Bill Carter, an FBI spokesman. "It involves dozens of agencies and databases and often foreign governments."

Adding to the backlog, a surge of applications flooded Citizenship and Immigration Services last year, prompted partly by the announcement of fee increases.

Although the FBI clears about 70 percent of the name checks within 72 hours, the bureau struggles to keep up with more than 74,000 requests per week, roughly half arising from immigration applications.

Slowing the process even more, many of the applicants who don't immediately clear are flagged for extra scrutiny merely because their names are similar to those of suspects.

Hundreds of people caught up in the backlog have sued the government to force the agencies to initiate background checks. Some of the plaintiffs have found the FBI inexplicably clears them soon after a lawsuit is filed.

Michael Baylson, a federal judge in Philadelphia overseeing six of the lawsuits, recently expressed frustration with the government for what he described as "a strategy of favoring delay by litigation, instead of developing an orderly and transparent administrative resolution."

"Congress certainly did not intend for the process to become tortuous, expensive, mystifying and delayed, but it has," the Bush appointee wrote in January when ordering the government to explain the delays.

Critics have charged the naturalization delays could unfairly shut potential voters out of the upcoming presidential election. Last month, Emilio Gonzalez, director of Citizenship

and Immigration Services at DHS, pledged to hire 3,000 new and retired employees to reduce the backlog.