

United States Senate

WASHINGTON, DC 20510

April 27, 2020

Kenneth Cuccinelli
Senior Official Performing the Duties of Director
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue NW
Washington, DC 20529

Dear Mr. Cuccinelli:

We write to express our serious concern that U.S. Citizenship and Immigration Services's (USCIS) decision to suspend live interviews and U.S. Citizenship Oath of Allegiance Ceremonies during the coronavirus (COVID-19) pandemic will delay eligible immigrants from being granted citizenship if alternative measures that comply with guidance from public health experts are not implemented, effectively denying those who have followed the law the citizenship they have earned and potentially preventing some from exercising a primary right of all citizens—the right to vote.¹ While public health guidelines make clear that in-person contact should be limited to slow the further spread of the coronavirus, we urge USCIS to design and implement technological solutions that will allow immigrants who have played by the rules to complete the last steps on their path to citizenship.

The naturalization process is reserved for immigrants who have been green card holders for 3 to 5 years or meet certain requirements for military service who then submit a naturalization application, demonstrate knowledge of U.S. civics during a naturalization interview, and then complete the process by reciting an Oath of Allegiance to become a U.S. citizen. As a result of USCIS's March 18 freeze on oath ceremonies alone, over 100,000 people who have been approved for naturalization may be prohibited from taking their oaths and may therefore not be able to exercise their right as citizens to vote in November.²

Although the Deputy Director for Management at the Office of Management and Budget urged federal agencies to “use the breadth of available technology capabilities to fulfill service gaps and deliver mission outcomes” in a March 22 memo,³ USCIS has so far not taken measures to enable those who have done their part to follow the process to obtain citizenship to complete essential steps in the naturalization process. Accordingly, we urge USCIS to immediately design and implement means to conduct remote interviews at applicants' request, remotely administer oaths, and grant administrative naturalization in appropriate circumstances consistent with the need to protect USCIS employees and the public from the COVID-19 pandemic. In addition, we request answers to the following questions no later than May 8, 2020:

¹ <https://www.uscis.gov/about-us/uscis-response-coronavirus-2019-covid-19>

² Aleaziz, Hamed, “The Coronavirus Has Derailed The Citizenship Oath For Thousands Of Immigrants Who Are Anxious To Vote” (April 8, 2020), BUZZFEED NEWS, <https://www.buzzfeednews.com/article/hamedaleaziz/coronavirus-derails-citizenship-oath-immigrants> (last accessed April 27, 2020, 11:00 AM).


³ <https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-19.pdf>

1. How many applicants with approved naturalization applications have had their oath ceremonies deferred?
2. Has USCIS determined it cannot administer naturalization oaths telephonically or via videoconference even though many federal agencies have administered oaths of office for political appointees telephonically, even before the onset of the COVID-19 pandemic? Does USCIS need additional authority to take such actions?
3. Will USCIS make a determination as to whether remotely administering oaths of allegiance constitutes an "emergency service" during the COVID-19 pandemic?

Thank you for your attention on this important matter.

Sincerely,



Amy Klobuchar
UNITED STATES SENATOR


Cory A. Booker
UNITED STATES SENATOR


Catherine Cortez Masto
UNITED STATES SENATOR


Mazie K. Hirono
UNITED STATES SENATOR



Edward J. Markey
UNITED STATES SENATOR



Robert Menendez
UNITED STATES SENATOR


Richard Blumenthal
UNITED STATES SENATOR


Richard J. Durbin
UNITED STATES SENATOR


Kamala D. Harris
UNITED STATES SENATOR

/s/ Jack Reed

Jack Reed
UNITED STATES SENATOR


Elizabeth Warren
UNITED STATES SENATOR


Charles E. Schumer
UNITED STATES SENATOR


Jacky Rosen
UNITED STATES SENATOR


Jeanne Shaheen
UNITED STATES SENATOR


Sherrod Brown
UNITED STATES SENATOR

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000



U.S. Citizenship
and Immigration
Services

May 21, 2020

The Honorable Amy Klobuchar
United States Senate
Washington, DC 20510

Dear Senator Klobuchar:

Thank you for your April 27, 2020 letter regarding naturalization ceremonies during the coronavirus (COVID-19) pandemic. Mr. Cuccinelli asked that I respond on his behalf.

U.S. Citizenship and Immigration Services (USCIS) recognizes that there have been challenges for our applicants and petitioners during the pandemic. Our primary goal has been to ensure the safety of the public and our employees. To do that, we shifted to a largely telework environment and developed strategies to continue processing and adjudicating requests while also providing greater flexibilities to applicants and petitioners.

In accordance with the national plan, we will begin a phased approach to reopening our offices for in-person services – possibly as soon as June 4. We appreciate and will consider the recommendations put forward by you and others. We will also continue to communicate publicly regarding any changes we make to ensure the public is fully informed of the steps we are taking to address the challenges resulting from this national health emergency.

Thank you for your interest in this important issue. The cosigners of your letter will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative and Intergovernmental Affairs at (202) 272-1940.

Respectfully,

A handwritten signature in black ink, appearing to read "Joe Edlow", followed by a horizontal line.

Joseph Edlow
Deputy Director for Policy

Enclosure

**U.S. Citizenship and Immigration Services' Response to
Senator Klobuchar's April 27, 2020 Letter**

1. How many applicants with approved naturalization applications have had their oath ceremonies deferred?

Response: As of April 24, 2020, approximately 105,500 individuals had their naturalization oath ceremonies deferred. This includes approximately 67,000 persons who would have participated in a judicial ceremony and 38,000 persons who would have been administered by U.S. Citizenship and Immigration Services (USCIS) personnel in an administrative ceremony.

2. Has USCIS determined it cannot administer naturalization oaths telephonically or via videoconference even though many federal agencies have administered oaths of office for political appointees telephonically even before the onset of the COVID-19 pandemic? Does USCIS need additional authority to take such actions?

Response: The statutory language contains certain requirements that are logistically difficult for USCIS to administer naturalization oaths in a virtual sense.

3. Will USCIS make a determination as to whether remotely administering oaths of allegiance constitutes an "emergency service" during the COVID-19 pandemic?

Response: As stated above, it is logistically difficult for USCIS to conduct oath ceremonies virtually. However, USCIS administers the oath in person for emergent reasons. For example, for military members being deployed.