

July 14, 2022

The Honorable Ur Mendoza Jaddou
Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, Maryland 20588

Dear Director Jaddou,

On behalf of the National Partnership for New Americans, The Leadership Conference on Civil and Human Rights, and the 80 undersigned organizations, we write in support of the Biden administration, specifically U.S. Citizenship and Immigration Services (USCIS): 1) taking greater responsibility for voter registration activities at naturalization ceremonies where state and local government and non-governmental organizations are unavailable, 2) agreeing to be designated as a voter registration agency by states and affirmatively notifying states of this policy under the National Voter Registration Act, and 3) fully implementing Executive Order 14012.¹ This is critical given the urgent state of our democracy. USCIS plays a crucial role in welcoming newly eligible voters into our democracy, and can play a leading role in registering them to vote, fulfilling our values of equal access to the ballot and consistent with USCIS' mission and agency-wide efforts to reduce application backlogs.

The Need for USCIS Engagement in Voter Registration

Federal leadership is critically needed given the current onslaught of states limiting the right of residents to vote. Between January 1 and December 7, 2021, 19 states enacted 34 laws that make mail-in and early voting more difficult, introduce harsher voter ID requirements, and will likely cause faulty voter purges, among other ways making it more difficult for people to vote.² State legislators introduced over 440 bills that would restrict voting access in 49 states in 2021, and, as of January 14, 2022, legislators have introduced, pre-filed, or carried over 250 restrictive bills in 27 states.³ These restrictions have caused international condemnation for how they deny

¹ See U.S. President, Executive Order, "Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans, Executive Order of 14012 as of February 2, 2021," *Federal Register*, no. 86 (Feb. 5, 2021): Page #8,277, <https://www.federalregister.gov/documents/2021/02/05/2021-02563/restoring-faith-in-our-legal-immigration-systems-and-strengthening-integration-and-inclusion-efforts> (stating that "it is essential to ensure that our laws and policies encourage full participation by immigrants, including refugees, in our civic life; that immigration processes and other benefits are delivered effectively and efficiently; and that the Federal Government eliminates sources of fear and other barriers that prevent immigrants from accessing government services available to them.").

² "Voting Laws Roundup: December 2021," Brennan Center for Justice, December 21, 2021, <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-december-2021>.

³ "Voting Laws Roundup: December 2021," Brennan Center for Justice, December 21, 2021, <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-december-2021>; "Voting Laws Roundup: February 2022, Brennan Center for Justice," February 9, 2022, <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-february-2022>.

communities of color the equal right to vote, and have led to the International Institute for Democracy and Electoral Assistance designating the United States as a “democratic backsliding” nation for the first time.⁴

With the 2022 midterm elections fast approaching, and the Senate’s unwillingness or inability to restore Voting Rights Act protections by failing to pass the John R. Lewis Voting Rights Advancement Act (H.R. 4/S. 4), federal executive leadership is essential to preserving voting rights and ensuring that we have a vibrant, multicultural democracy.

The Administration has taken important steps to promote access to voting, such as Executive Order 14019, which directs federal agencies to consider how to facilitate voter registration and vote by mail options in the course of their activities interacting with the public. This includes “promot[ing] and expand[ing] access to multilingual voter registration and election information” and “promot[ing] equal participation in the electoral process for all eligible citizens of all backgrounds.”⁵

Most relevant to USCIS, the Executive Order directs agencies to consider “assisting applicants in completing voter registration and vote-by-mail ballot application forms in a manner consistent with all relevant State laws”, and not only agreeing to being designated as voter registration agencies by states, but also affirmatively notifying states where the agency provides services of this.⁶ To date, the Department of Homeland Security has done neither.⁷

Revising USCIS Policy Manual to Conduct Voter Registration Activities

Federal law encourages state and federal agencies like USCIS to work together to give eligible voters—including newly naturalized citizens—the opportunity to register to vote.⁸ USCIS has led among federal agencies in taking advantage of this opportunity by integrating voter registration requirements into its policy manual. Chapter 5, Section F prioritizes state or local governmental election offices or non-governmental organizations distributing and collecting voter registration materials following naturalization ceremonies, or, in the absence of these two options, USCIS

⁴ “Voting Rights of Minorities Denied in Parts of US: UN Expert,” Al Jazeera, November, 22, 2021, <https://www.aljazeera.com/news/2021/11/22/voting-rights-of-minorities-denied-in-parts-of-us-un-expert>; “Global State of Democracy 2021: Building Resilience in a Pandemic Era,” International Institute for Democracy and Electoral Assistance, 2021, https://www.idea.int/gsod/sites/default/files/2021-11/the-global-state-of-democracy-2021_0.pdf.

⁵ U.S. President, Executive Order, “Promoting Access to Voting, Executive Order 14019 of March 7, 2021,” *Federal Register*, no. 86 (March 10, 2021): Page #13,623, <https://www.federalregister.gov/documents/2021/03/10/2021-05087/promoting-access-to-voting>.

⁶ U.S. President, Executive Order, “Promoting Access to Voting, Executive Order 14019 of March 7, 2021,” No. 14019, *Federal Register*, no. 86 (March 10, 2021): Page #13,624, <https://www.federalregister.gov/documents/2021/03/10/2021-05087/promoting-access-to-voting>.

⁷ See “FACT SHEET: Biden Administration Promotes Voter Participation with New Agency Steps | The White House,” The White House, September 28, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/28/fact-sheet-biden-administration-promotes-voter-participation-with-new-agency-steps/>.

⁸ See 52 U.S.C. §§ 20506(a)((3)-(4)); 20507(a)(5).

officials themselves providing voter registration materials.⁹ However, the policy manual currently disclaims USCIS officials' responsibility for collecting voter registration forms or any other voter registration activities, even though USCIS would be distributing them in the absence of state and local government or nonprofit assistance.¹⁰ Consistent with Executive Order 14019, USCIS should take responsibility for full voter registration activities—including distributing, providing assistance with, and collecting completed forms and transmitting to the appropriate state election official—where state and local government or nonprofit organizations are unable to participate in naturalization ceremonies.¹¹

By retaining and continuing to prioritize the ability of USCIS offices to partner with election offices and nongovernmental organizations, while also requiring USCIS offices to conduct robust voter registration activities when those parties are not available, USCIS would be encouraging local offices to enter into new partnerships or re-establish previous partnerships, consistent with existing policy and the value of welcoming new Americans into citizenship and further into our democracy. This can include USCIS providing voter registration materials in languages other than English for groups that have limited English proficiency and whose group constitutes three percent or more of the overall population within the State, as measured by the United States Census. It can also include videos or remarks at the naturalization ceremony encouraging voter registration. Prior to and beyond the naturalization ceremony, USCIS can also more actively uplift the right to vote as one of the benefits of citizenship, as part of the federal government's Interagency Strategy for Promoting Naturalization.

Agreeing to and Affirmatively Seeking NVRA Voter Registration Agency Designations

USCIS should adopt a policy of agreeing to designation as a voter registration agency by state election officials, and should affirmatively notify state election officials of the policy. The National Voter Registration Act (NVRA) allows states to designate federal offices as voter registration agencies with the agreement of the office.¹² Executive Order 14019 further directs agencies to notify state election officials of its policy to agree to designations.¹³

Additionally, taking these two steps would ensure that only those who have finished the naturalization process are registered, minimizing any potential criminal liability issues that can result from erroneous registration. This is important, as there may be cases where a state law felony for which an individual is convicted does not bar the person from naturalizing, but does disenfranchise the individual under state laws. The NVRA requires voter registration agencies to

⁹ See USCIS Policy Manual, Volume 12, Part J, Chapter 5, Section F, Number 1. Distribution of Voter Registration Applications, <https://www.uscis.gov/policy-manual/volume-12-part-j-chapter-5>.

¹⁰ Ibid.

¹¹ U.S. President, Executive Order, "Promoting Access to Voting, Executive Order 14019 of March 7, 2021," No. 14019, *Federal Register*, no. 86 (March 10, 2021): Page #13,624 <https://www.federalregister.gov/documents/2021/03/10/2021-05087/promoting-access-to-voting>.

¹² See 52 U.S.C. § 20506(A)(3)(b)(ii).

¹³ U.S. President, Executive Order, "Promoting Access to Voting, Executive Order 14019 of March 7, 2021," No. 14019, *Federal Register*, no. 86 (March 10, 2021): Page #13,624, <https://www.federalregister.gov/documents/2021/03/10/2021-05087/promoting-access-to-voting>.

use either the National Mail Voter Registration Form or an equivalent that includes detailed information on eligibility.¹⁴ Additionally, these steps would protect a newly naturalized citizen's privacy by routing sensitive personal information through an established information sharing process between state election officials and voter registration agencies.¹⁵

Reducing the Backlog While Expanding Access to Citizenship and Facilitating the Civic Engagement of Newly Naturalized Citizens

USCIS can reduce the backlog of applications while simultaneously increasing access to citizenship and expanding the inclusion and civic integration of immigrants, including newly naturalized citizens. While the backlog of naturalization applications is at 798,372 applications according to USCIS' latest public information, and the national median processing delay is 11 months, the Biden Administration has shown an interest in and capability towards significantly addressing this inherited issue while also taking proactive steps in naturalization.¹⁶

The Administration has reinstated the 2008 civics test, not moved forward with proposed fee increases and the limitation of fee waivers, taken steps to reduce unnecessary and burdensome Requests for Evidence in the adjudication of citizenship and other applications, and established an Interagency Working Group on Promoting Naturalization, among other actions, all while reducing the backlog of naturalization applications from 1,020,351 in December 2020 to 798,372 in December 2021; approximately 22% in one year.¹⁷ USCIS has done this for the overwhelming most part without any additional funding allocated by Congress. Only in late September 2021, Congress allocated \$250 million for general backlog reduction efforts by passing the Continuing Resolution, Extending Government Funding and Delivering Emergency Assistance Act (H.R. 5305), after USCIS has already reduced the naturalization backlog by 18

¹⁴ See 52 U.S.C. § 20506(a)(6)(A)-(B); National Voter Registration Act (NVRA) Regulations for Voter Registration Application, Elections Assistance Commission (Mar. 31, 2022), <https://omb.report/icr/202111-3265-001>.

¹⁵ See 52 U.S.C. § 20506(a).

¹⁶ "Number of Form N-400, Application for Naturalization, By Category of Naturalization, Case Status, and USCIS Field Office Location, October 1 - December 31, 2021," U.S. Citizenship and Immigration Services, accessed June 14, 2022, https://www.uscis.gov/sites/default/files/document/reports/N400_performancedata_fy2022_qtr1.pdf; "Historical National Median Processing Time (in Months) for All USCIS Offices for Select Forms by Fiscal Year," U.S. Citizenship and Immigration Services, accessed June 14, 2022, <https://egov.uscis.gov/processing-times/historic-pt>.

¹⁷; "Number of Form N-400, Application for Naturalization, By Category of Naturalization, Case Status, and USCIS Field Office Location, October 1 - December 31, 2020," U.S. Citizenship and Immigration Services, accessed June 14 2022, https://www.uscis.gov/sites/default/files/document/reports/N400_performancedata_fy2021_qtr1.pdf; "Number of Form N-400, Application for Naturalization, By Category of Naturalization, Case Status, and USCIS Field Office Location, October 1 - December 31, 2021," U.S. Citizenship and Immigration Services, accessed June 14, 2022, https://www.uscis.gov/sites/default/files/document/reports/N400_performancedata_fy2022_qtr1.pdf.

percent (to 839,635 applications), and most recently, in March 2022, Congress allocated \$275 million in Fiscal Year 2022 for USCIS backlog reduction efforts.¹⁸

Satisfying the directives of Executive Order 14019 will assist USCIS in meeting the directives of Executive Order 14012, which directs the Department of Homeland Security to review all barriers to citizenship and lead the Interagency Working Group on Promoting Naturalization.¹⁹ USCIS can and should continue reducing the backlog with its additional funding, while simultaneously eliminating unnecessary barriers to citizenship and implementing Executive Order 14012. Uplifting voter registration and voting as a direct benefit of naturalization is one form of proactively promoting naturalization for the millions of eligible immigrants, and USCIS facilitating the process of voter registration makes it less promotional and more accessible. The urgent need for backlog reduction and administrative burden should not impede the worthy objective of strengthening civic engagement and, ultimately, democracy.

Conclusion

As the Biden administration seeks to strengthen voting rights and protections across the nation, while also seeking to expand it for communities of color and ensure that the United States has equal access to the polls regardless of background or language, one small but straightforward avenue is for USCIS to fully commit to its role in conducting voter registration activities and serving as a NVRA voter registration agency.

USCIS can implement this administratively in a way that maintains and expands its partnerships with state and local government election offices, minimizes criminal liability for erroneous registration, streamlines the process of voter registration for newly naturalized citizens and in conjunction with state election boards, and utilizes USCIS' engagement with immigrants of various different backgrounds and languages.

We strongly encourage the administration to take full advantage of this opportunity in order to preserve and expand a multicultural democracy that ensures the participation of its most recently naturalized citizens. Should you have any questions or concerns, please email Diego Iñiguez-López, associate director of policy and campaigns for the National Partnership for New Americans at diego@partnershipfornewamericans.org.

Thank you,

¹⁸ "Number of Form N-400, Application for Naturalization, By Category of Naturalization, Case Status, and USCIS Field Office Location, July 1 - September 30, 2021," U.S. Citizenship and Immigration Services, accessed June 14, 2022,

https://www.uscis.gov/sites/default/files/document/data/N400_performancedata_fy2021_qtr4.pdf.

¹⁹ See U.S. President, Executive Order, "Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans, Executive Order of 14012 as of February 2, 2021," *Federal Register*, no. 86 (Feb. 5, 2021): Page #8,277,

<https://www.federalregister.gov/documents/2021/02/05/2021-02563/restoring-faith-in-our-legal-immigration-systems-and-strengthening-integration-and-inclusion-efforts>.

National

National Partnership for New Americans
Leadership Conference on Civil and Human Rights
African American Ministers In Action
African Communities Together
Alianza Americas
All Voting is Local
Asian American Legal Defense and Education Fund (AALDEF)
Asian Americans Advancing Justice - Atlanta
Asian and Pacific Islander American Vote (APIAVote)
Boundless Immigration
Bridges Faith Initiative
Chispa National, a program of the League of Conservation Voters Education Fund
Church World Service
Hispanic Federation
Human Rights Watch
Immigrant Legal Resource Center
Immigration Advocates Network
Immigration Hub
League of United Latin American Citizens (LULAC)
League of Women Voters of the United States
Main Street Alliance
National Association for Latino Community Asset Builders (NALCAB)
National Council of Jewish Women
National Education Association
National Network for Arab American Communities
NETWORK Lobby for Catholic Social Justice
New American Leaders
Poder Latinx
Presente.org
Service Employees International Union (SEIU)
The Black Alliance for Just Immigration (BAJI)
The General Board of Church and Society of the United Methodist Church
UnidosUS
Union for Reform Judaism
USAHello
Welcoming America

State and Local

¡HICA! Hispanic Interest Coalition of Alabama
ACDC Texas
Arkansas United
Asian American Federation

Asian Americans Advancing Justice - Los Angeles
Asian Community Development Council
Asian Law Alliance
Asian Services in Action (ASIA)
Asian Texans for Justice
Catholic Charities of Northern Nevada
Central Valley Immigrant Integration Collaborative
Chispa Nevada
City of Seattle Office of Immigrant and Refugee Affairs
Coalition for Humane Immigrant Rights (CHIRLA)
Culinary Union
Dominicanos USA
Equality California
Faith in Action Nevada
Florida Immigrant Coalition
Global Cleveland
HI Coalition for Immigrant Rights
Hmong American Women's Association, inc.
Houston Immigration Legal Services Collaborative
Immigrant Welcome Center
Latin American Coalition
Louisiana Advocates for Immigrants in Detention
Louisiana Organization for Refugees and Immigrants
Maine Immigrants' Rights Coalition
Maine People's Alliance
Make the Road Nevada
Massachusetts Immigrant and Advocacy Coalition
Michigan United
Mujeres Latinas en Accion
New York Immigration Coalition
North Carolina Asian Americans Together
OCA-Greater Houston
OneAmerica
Progressive Leadership Alliance of Nevada
Promise Arizona
Public Law Center
Self-Help for the Elderly
Silver State Equality-Nevada
Silver State Voices
The Legal Clinic Hawaii
VAYLA New Orleans
Wind of the Spirit Immigrant Resource Center



October 19, 2022

Diego Iñiguez-López
Associate Director of Policy and Campaigns
National Partnership for New Americans
diego@partnershipfornewamericans.org

Dear Mr. Iñiguez-López:

Thank you for your July 14, 2022 letter regarding voter registration activities at naturalization ceremonies.

U.S. Citizenship and Immigration Services (USCIS) organizes and oversees naturalization ceremonies designed to welcome new U.S. citizens, to recognize publicly the value and importance of U.S. citizenship, and to offer new U.S. citizens practical information about the rights and responsibilities associated with U.S. citizenship. Voting is one of the most cherished rights of U.S. citizenship and the motivation for many permanent residents to naturalize. Voter registration information and voting registration opportunities have long been common features of naturalization ceremonies.

As you properly identified from our Policy Manual, all newly naturalized citizens may receive a voter registration application at administrative naturalization ceremonies. The mechanism for distribution varies by ceremony location, but generally requires state or local election offices to be the primary registration information distributors at naturalization ceremonies.¹ If state or local election officials are unable to participate, USCIS coordinates with nongovernmental groups to provide voter registration services.² Occasionally, USCIS provides voter registration applications to new citizens when state or local election officials and nongovernment groups are unable to participate; however, USCIS does not collect completed voter registration applications. Finally, USCIS provides all new U.S. citizens a U.S. Citizenship Welcome Packet that includes “A Voter’s Guide to Federal Elections,” developed by the U.S. Election Assistance Commission.

¹ See USCIS Policy Manual Volume 12, Part J, Oath of Allegiance, Chapter 5, Administrative Naturalization Ceremonies, Section F, Voter Registration, Subsection 1, Distribution of Voter Registration Applications [12 USCIS-PM J.5(F)(1)].

² See USCIS Policy Manual, Volume 12, Part J, Oath of Allegiance, Chapter 5, Administrative Naturalization Ceremonies, Section F, Voter Registration After Naturalization Ceremonies, Subsection 3, Registration by Non-governmental Organizations [12 USCIS-PM J.5(F)(3)].

USCIS' efforts to engage in promoting voter registration and participation in the electoral process for all eligible citizens was outlined in the U.S. Department of Homeland Security's action plan announced on September 28, 2021 as part of Executive Order 14019. The plan includes inviting state and local governments and nonpartisan nonprofit organizations to register voters at the end of naturalization ceremonies, which naturalize hundreds of thousands of citizens each year, and developing a new online resource on voting for recently naturalized citizens.³

In addition, USCIS appreciates your recommendation to seek designation under the National Voter Registration Act (NVRA) as a voter registration agency. At this time, USCIS is not seeking a designation under the NVRA; however, we will continue to examine all available options for providing voter registration services during ceremonies and promoting naturalization consistent with these Executive Orders and the USCIS mission.

USCIS also recognizes the need to reduce backlogs of pending naturalization applications, as emphasized in your letter. In fact, in March of this year, I announced, among other backlog elimination targets, an Agency-wide six-month cycle time goal for naturalization applications to be accomplished by the end of FY 2023. We have already seen progress to this goal. During fiscal year 2022, USCIS completed more naturalization cases than any year since 2008 and reduced its pending naturalization case volume by over 237,000 cases.

Finally, USCIS promotes naturalization through implementation of the Interagency Strategy for Promoting Naturalization,⁴ and it has accomplished various naturalization objectives in furtherance of Executive Order 14012.

Thank you again for your letter and interest in this important issue. Please share this response with the other organizations that cosigned your letter. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou
Director

³ See New U.S. Citizens website available at www.uscis.gov/citizenship-resource-center/new-us-citizens.