



## **PROFILED IMMIGRANTS DELAYED YEARS IN SEEKING CITIZENSHIP** *New Report Alleges Governmental Discrimination in U.S. Naturalization Process*

(New York, April 25, 2007) – The U.S. government is illegally delaying the naturalization applications of thousands of immigrants by profiling individuals it perceives to be Muslim and subjecting them to indefinite security checks, charged the Center for Human Rights and Global Justice (CHR&GJ) in a new report released today.

The 63-page report, titled *Americans on Hold: Profiling, Citizenship, and the “War on Terror,”* documents the impact of expanded security checks on the lives of those experiencing citizenship delays, often for years on end. The report analyzes these delays and their impact within an international human rights framework, and offers specific policy recommendations to help end discrimination in access to citizenship and other human rights violations.

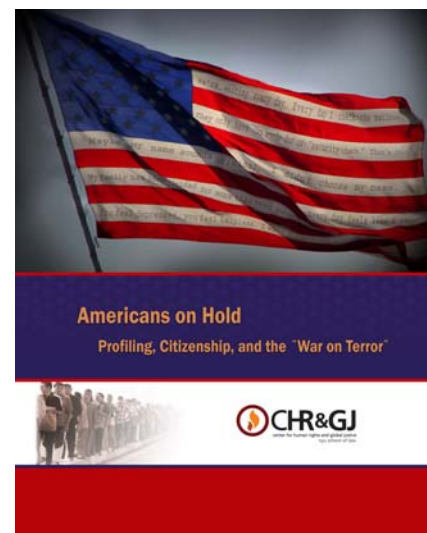
“Citizenship delays are not just bureaucratic inconveniences; they are the result of discriminatory, ineffective, and undemocratic policies that violate fundamental human rights,” said Prof. Smita Narula, Faculty Director of the Center for Human Rights and Global Justice at NYU School of Law. “In the name of fighting a ‘war on terror,’ the government is breaking up families, engendering fear and insecurity, and disenfranchising entire communities.”

Since September 11, 2001, U.S. immigration policy has been heavily influenced by counter-terrorism efforts. The government has folded immigration bodies into national security institutions and has institutionalized a policy of discrimination against immigrants perceived to be Muslim on the basis of their name, race, religion, ethnicity, or national origin.

Increased security checks in the citizenship application process, manifested in a substantial expansion of FBI name check procedures, have illegally delayed the processing of applications from Muslim, Arab, Middle Eastern, and South Asian men.

Thousands of immigrants have chosen the United States as their new home; they abide by U.S. laws, pay U.S. taxes, contribute to our nation’s economy, and strengthen its multi-cultural foundations. They have passed every test, and fulfilled every requirement related to the naturalization process, but continue to wait for security clearance on their application. In response to repeated inquiries to immigration authorities, applicants are simply told that their application is pending security clearance. As one applicant told CHR&GJ: “They only have two words for us: ‘security check.’ That’s it.”

One applicant told CHR&GJ: “I have been to Federal Plaza [ten times], and the supervisor there told me, ‘It could be one day or it can be 99 years.’ I replied, ‘You treat the FBI like God.’ The supervisor responded, ‘Yeah they are God.’... This is like a punishment... I didn’t choose my name.”



Individuals experiencing citizenship delays are unable to file visa petitions for their immediate relatives, are greatly hindered in their ability to travel to see sick relatives, and often endure restrictions on their ability to work or receive life-saving benefits. A number of applicants spoke to CHRGI about the emotional impact of their prolonged separation from family members.

One applicant stated, “I call my family every day and whenever I call them my youngest daughter asks me, ‘Papa, when are you coming? When can I be there to meet you?’ All the time I carry the pictures of my family in my wallet and I am dying to see them.” Another applicant added, “The whole purpose of our struggling now is to get the whole family together—we’ve been divided for more than 7 years. Every day is like more than a year for us now.”

Federal law requires U.S. Citizenship and Immigration Services (USCIS) to grant or deny citizenship within 120 days of an applicant’s examination. USCIS has also set a policy goal of processing applications within six months from the time of filing. Data from the Department of Homeland Security reveals that more than two-thirds of the over 2.2 million applications filed since April 1, 2001 were not processed within 180 days; more than 776,000 applicants had been waiting for more than a year; approximately 158,000 applicants had been waiting for more than two years; while approximately 41,000 had been waiting for three years or more.

According to the Citizenship and Immigration Services Ombudsman, prolonged name checks “significantly delay adjudication of immigration benefits for many applicants, hinder backlog reduction efforts, and rarely, if ever, achieve their intended national security objectives.”

“Discriminatory profiling is illegal under international law and is a poor substitute for real intelligence work,” said Jayne Huckerby, Research Director of the Center for Human Rights and Global Justice. “Taking years to identify individuals who are security threats does not make us safer. Ensuring timely and good faith completions of background checks will help the U.S. advance its national security goals.”

As a State party to the International Convention on the Elimination of all Forms of Racial Discrimination and the International Covenant on Civil and Political Rights the U.S. is obligated to ensure non-discrimination in access to citizenship as well as other human rights. A number of expert human rights bodies have affirmed that the “war on terror” cannot be invoked to deny non-citizens’ rights.

Profiling affects a number of human rights, including the right to liberty of movement, the right to profess and practice religion, and the right to non-discrimination in access to public health and social services. Profiled immigrants may be stopped, delayed, detained, and subjected to extended and unnerving security checks while traveling. Prior to September 11, 2001 the list of individuals suspected of terrorism and banned from air travel contained only 16 names; as of October 2006, the “no-fly” list contained 44,000 names. Airport officials are reportedly required to stop anyone with a “Muslim name” and name-check that individual against the list. Airport computers throw up red flags even when names are merely similar to those found on the list.

Muslim immigrants or those perceived to be Muslims (such as members of the Sikh community) have also altered their physical appearance for fear of being profiled. Many immigrants have curtailed the extent to which they pray or worship publicly, and some have even changed their names—the very hallmark of their religious and cultural identity. Delays also affect the ability of naturalization applicants to receive life saving benefits, and in turn their access to healthcare and food.

*Americans on Hold* is based on primary and secondary research conducted by the Center for Human Rights and Global Justice, the International Human Rights Clinic, and the Immigrant Rights Clinic at NYU School of Law. Primary research included interviews with affected individuals in New York City and with community leaders and immigration experts around the country.

Research with affected individuals was conducted with extensive support and assistance from the Council of Peoples Organization (COPO), a community-based organization in Brooklyn that provides essential legal and social services to immigrants facing a range of issues in the aftermath of September 11, 2001. Though delays have taken on a new form and intensity in relation to the communities discussed in the report, both the delays and their human rights consequences affect immigrant communities nationwide and have led to the filing of numerous lawsuits across the country. Delays have also inspired legislative action.

Last month, the Citizenship Promotion Act of 2007 was introduced by U.S. Senator Barack Obama (D-IL) and U.S. Rep. Luis Gutierrez (D-IL). Among other goals, the Act aims to significantly reduce the backlog of citizenship applications and the time taken to perform background checks. As noted by Senator Obama in introducing the Act on March 7, “[B]ackground checks that take years to complete tell us more about ourselves than they do about those wishing to enter.” The Citizenship Promotion Act of 2007 is a welcome step. CHRJGJ urges Congress and the President to ensure its swift enactment.

“The government says it is bringing ‘democracy’ to other nations, yet it is neglecting democracy here at home,” said Mohammad Razvi, Executive Director of the Council of Peoples Organization. “The administration should reduce bureaucratic hurdles for citizenship and ensure that its own peoples’ voices are heard.”

The Center for Human Rights and Global Justice calls on the U.S. government to abide by its human rights obligations and live up to its democratic ideals. In particular, it urges the U.S. to:

- Ensure that decisions on naturalization applications are made within 120 days of examination, as required by law. USCIS’ attempts to circumvent this law by ordering offices not to schedule interviews until security clearances are completed should be investigated and proscribed.
- Ensure that the overall naturalization process is completed within USCIS’ stated six-month goal.

In order to address the current backlog of citizenship applications, the U.S. government should:

- Institute greater reporting requirements for USCIS and DHS on the extent of, and reasons behind, citizenship delays; and require reports to disaggregate statistics regarding citizenship delay by race, sex, ethnicity, national origin, and religion;
- Institute Congressional oversight hearings into key issues affecting the citizenship process;
- Introduce institutional changes within relevant government agencies to increase transparency and resolve complaints;
- Introduce anti-discrimination training for immigration and law enforcement officials; and
- Ensure greater public education about the human rights implications of discriminatory profiling and citizenship delays.

*Americans on Hold* and related materials are available at [www.chrgj.org](http://www.chrgj.org)