

# BROOKINGS

Op-Ed

## Inside the Immigration Process

Darrell M. West Monday, April 15, 2013

**A**t a time when national leaders are debating ways to reform immigration laws, most Americans would be shocked to know what actually happens inside the current process. As a native-born resident, I had no idea until I married a German woman and sought to get her citizenship. I assumed marrying an American automatically made her a citizen and that administrative approval would be simple and straight-forward.

So it was a surprise when the U.S. Citizenship and Immigration Services rejected her citizenship application on grounds we weren't actually married. We had been married for five years and assumed that sending the agency a copy of the marriage license along with other bits of evidence would document our union. With this highly bureaucratic organization, though, the marriage certificate only proved we were married on the date of the ceremony, not the several years thereafter.

I had met my wife, Karin Rosnizeck, in Munich, Germany where she worked as a public affairs specialist for the U.S. consulate. She was smart and highly educated. She had a master's degree in American and French Literature and spoke impeccable English, better than mine, we joked. On the surface, she seemed exactly the type of person America should welcome with open arms.

But a warm and welcoming attitude was not what we encountered with our country's immigration authorities. All of our friends knew we were legally married because they had attended the ceremony and partied with us at the wedding reception. But as we would learn in going through the green card and naturalization applications, there is nothing routine about the process.

I knew something about the topic. I was vice-president of governance studies at the Brookings Institution. I had moved there in 2008 after teaching political science and public policy for 26 years at Brown University. I had published a book through Brookings Institution Press entitled *Brain Gain: Rethinking U.S. Immigration Policy*. But none of these credentials prepared me for the rigors of the immigration office.

For starters, getting a green card and becoming a citizen is very expensive. Something I didn't realize when I started the process is that Citizenship and Immigration Services is funded by applicant fees, not federal tax dollars. That means it is perpetually understaffed and underfunded. There were charges for taking your finger-prints. File the wrong form and have to send in a new one? You paid twice. Since the agency has no independent money, it charges its customers thousands of dollars. Despite the Statue of Liberty rhetoric of "give us your huddled masses," the high cost demonstrated that the United States no longer wants poor immigrants.

As part of the green card application, my wife signed away her right to basic government services. She would not be eligible for public assistance as long as I had assets to support her. I had to list my salary, savings deposits, personal property, stocks, bonds, and life insurance policy demonstrating that I had income at least 125 percent of federal poverty guidelines so that she would not become a "public charge" of the United States.

In Providence, Rhode Island where we initiated the green card process and in Washington, D.C. where my wife applied for citizenship, the offices for collecting biometrics were located in distant suburban communities with no bus lines or mass transit. This was not a problem for us since we owned a car, but if you didn't have access to wheels, the constant trips to these offices would have been a nightmare.

For many immigrants, it is virtually impossible for them to afford the fees, handle the paperwork, and navigate a complex bureaucratic process. Even with a Ph.D. in political science, I was overwhelmed with the complexity of the multiple applications, fees, documentation, interviews, and trips to the immigration office.



But transportation and money aside, that was only the tip of the iceberg looming ahead for our application. There were many obstacles along the path to citizenship. For a country that has fully embraced the digital revolution, the immigration office has an open distaste for technologies that are a staple of American businesses. All the government immigration forms are paper-based and require hours of photocopying important documents (sometimes more than once when they get lost). Materials could not be electronically transmitted to immigration authorities despite the opportunity to save money, avoid lost documents, and speed up the process. Virtually every communications involved physically going to the post office and mailing documents back and forth. American immigration is a 19th century process in a 21st century world.

But the most shocking incompetency came with our citizenship application. We filed forms showing that we were married, but the application was rejected on grounds we hadn't proved our marriage was genuine and that we still were living together. Friends suggested we send pictures of our honeymoon, but they didn't realize such images would prove little in the eyes of immigration authorities.

For more definitive evidence, I put together documents including tax returns, bank statements, insurance forms, employment status, and even Facebook pages showing we had gotten married in 2007 and been living together on a continuing basis since that time. Trips out of the country had to be documented to show that our periodic absences from one another were not evidence of a sham marriage.

In April, 2012, we went to the D.C. immigration office located an hour outside of town in Fairfax, Virginia. We were ushered into a small office with a hearing officer. She had our thick stack of documents in front of her. Fearing the worst, she instead gave us good news. She said our file looked good and we would get a letter confirming Karin's citizenship application.

We were ecstatic that our appeal seemingly had worked. We had fought city hall and won. But you should never spike the ball until you are in the end zone and have won the game. We waited for months to get the official letter, but nothing arrived. I wrote a letter noting the positive hearing and requesting clarification of her case, but got no response.

I emailed the agency using a new electronic communication address the agency had set up, but there was no response. I called the agency's 800 number and the person informed me his computer was down and could provide no help. When I called back, I got another person who said the last thing in our online file was the citizenship denial. There was no record that our April appeal even had taken place. On another occasion, an immigration officer asked Karin to retake the citizenship knowledge test of American history and law even though she already had passed it months earlier with a perfect score.

Eventually, one immigration phone operator gave us a very helpful hint. "Go to the immigration website," he advised, "and request an in-person meeting." The volume of letters and emails the office receives is so heavy that there often is no response. Throughout November and December, I went to the agency's InfoPass website to request an appointment only to get a message every time saying no appointments were available. Over Christmas, I got lucky. We received a January 11, 2013 appointment for a meeting at the local office.

The day arrived, and we made the early-morning drive from D.C. to Fairfax. We met a pleasant young man in his 20s and explained that Karin's citizenship request had been denied in December, 2011 and we had an April, 2012 hearing, but had gotten no communication over the last half-year. He looked at his computer and said he would go to a back room to check our file. Ten minutes went by and I worried about worst-case scenarios. Would we have to go through another hearing? Would the agency simply deny Karin's appeal?

After a long wait, the young man reappeared with a supervisor. "Good news," he said. "Your citizenship application actually was approved last April following your hearing." Among the various scenarios I had role-played in my head, this was not one I had expected. "Our application was approved six months ago?" I asked incredulously. "Yes," he said. "Did you send us a letter informing us of this?" I inquired. "No, we didn't," he replied sheepishly.

The news slowly dawned on us. My wife's application had been approved nine months earlier, but no one had called, written, or emailed the approval. Instead of delivering the good news in the months following our hearing, they had demanded new fingerprints, a



new citizenship test, and a new hearing. Each part of the agency has no idea what other sections are doing. Even with multiple phone calls concerning our case disposition, no one had informed us our documents were in order and she had been approved for U.S. citizenship. It was a mind-boggling conclusion to a five-year process.

A few weeks later, Karin was sworn in with over 100 other immigrants at the federal courthouse in downtown D.C. It was a joyous occasion filled with great emotion for everyone in the room. More than 50 countries were represented, and I felt proud to be an American. Not only were people celebrating their new status as American citizens, they had overcome the most forbidding and intransigent bureaucracy in the United States. Those new Americans had demonstrated extraordinary patience, ingenuity, and perseverance.

In reflecting on the entire experience, there are several administrative reforms needed as our country embarks on a new round of immigration reform. The immigration agency should update its processes for the 21st century. The current paper-based approach is costly, inefficient, unresponsive, and prone to major breakdowns. No company in American operates its business this way.

The agency needs appropriations help from the federal government. Immigration officials already are swamped with millions of new applications and backlogged cases. Beyond individual inefficiency and screw-ups in our particular cases, there is a structural problem that makes the agency highly inefficient and unpleasant for all involved, applicants and employees. It should not fund its operations solely on user fees. Immigration is a legitimate part of government and should be funded as such.

Americans should realize that even during a time of high national unemployment, we have unmet economic needs in low and high skill industries. Information technology companies have more job openings than the current supply of American workers with appropriate math and computer skills. Farmers need help harvesting fruits and vegetables. Hotels and restaurants have difficulty filling current employment needs. We need immigrants to do the jobs Americans don't want or aren't trained for.

We should resurrect the view from long ago that immigrants help America. At the ceremony, I recalled why I had put a picture of famed physicist Albert Einstein on my immigration book cover. I wanted to remind readers that immigrants have made valuable contributions to U.S. commerce, entertainment, cuisine, and innovation. Half of the Silicon Valley companies founded in the last decade had an immigrant founder or co-founder. What if Google were based in Russia, eBay were in France, Yahoo were in Taiwan, and Intel were in Hungary? The American economy would look a whole lot weaker if Sergey Brin, Pierre Omidyar, Jerry Wang, and Andrew Grove had developed their transformative ideas in their home countries and not come to America.