

## Trump administration now has naturalized citizens in its sights

BY RUTH ELLEN WASEM

The Hills, July 17, 2018

As if the separation of families at the border and the travel ban were not enough, the Trump administration has a denaturalization initiative that is stoking controversy. A few weeks ago, U.S. Citizenship and Immigration Services (USCIS) Director L. Francis Cissna [told The Associated Press](#) that his agency is hiring dozens of attorneys to form a task force to review the records of people who have become U.S. citizens since 1990, in order to identify people who deliberately lied on their citizenship applications.

“We finally have a process in place to get to the bottom of all these bad cases and start denaturalizing people who should not have been naturalized in the first place,” Cissna told the AP.

Denaturalization as a priority is unprecedented and has alarmed many [advocates for immigrants](#). The historic heyday of denaturalization was during [McCarthyism](#), when the Internal Security Act of 1950 added provisions that stripped citizenship based upon political and antigovernment beliefs. The stereotypical case was the Nazi war criminal. According to immigration officials, [the Executive Office for United States Attorneys](#) generally have not accepted immigration benefit fraud cases for criminal prosecution.

The law sets a high standard that the naturalization application was based upon a “concealment of a material fact or by willful misrepresentation.” The USCIS policy manual states: “For civil revocation of naturalization, the burden of proof is clear, convincing and unequivocal evidence which does not leave the issue in doubt.”

The U.S. Attorneys' decision to put most immigration benefit fraud cases on the back burner was not unreasonable in the context of all federal crimes. Many immigration cases are especially complicated because of immigrants' pathways to citizenship. For example, those immigrants who legalized in the early 1990s through the [Immigration Reform and Control Act of 1986](#) were given an amnesty that forgave their illegal presence and unauthorized employment in the United States.

An asylum seeker who ultimately received asylum might well have had a formal removal order as the case worked through the appeals process. An asylum seeker might also have used a fake identity to escape his or her home country, or might have committed political crimes in the home country that are not crimes here. A foreign student who overstayed his or her visa, thus subject to removal, might have married a U.S. citizen.

In each of these instances, the individuals might become legal immigrants eligible for citizenship who also might later trigger a derogatory background check. It is no wonder the Department of Justice has prosecuted [just over 300](#) denaturalization cases since 1990.

The pivot point was a 2016 Department of Homeland Security (DHS) [Office of Inspector General \(OIG\) report](#) raising legitimate concerns that USCIS did not have access to digitized fingerprints to adequately screen all naturalization cases. “USCIS granted U.S. citizenship to at least 858 individuals ordered deported or removed under another identity when, during the naturalization process, their digital fingerprint records were not available.” Another 953 naturalizations cases subsequently were deemed questionable.

The OIG recommended that DHS establish a plan for evaluating the eligibility of those naturalized citizens whose fingerprint records reveal deportation orders under a different identity. [Recent reports](#) indicate that 95 of the 2,536 naturalization cases reviewed, or 3.7 percent, have been referred to the Department of Justice.

According to Cissna, USCIS is going beyond the OIG’s recommended investigation of individuals identified in its report. It is unclear if the task force will again review all 17 million naturalization petitions approved from 1990 to 2016 (beyond those the OIG identified in its review), but he predicted that several thousand cases likely will be referred for denaturalization. Rather than requesting money for this task force, USCIS will reallocate funds from immigration application fee account, which is likely to slow the processing time for legitimate immigration and naturalization petitions.

By going above and beyond the OIG report, the Trump administration is sending a clear signal to all naturalized citizens: They are under review and vulnerable. I have encountered citizens who fear that their use of a fake ID years ago may prompt denaturalization proceedings. This initiative fits into the Trump administration paradigm that views [immigrants as criminals](#). Most disturbing, this initiative has a chilling effect on civic engagement.

I recommend a more targeted approach based upon security risk assessment. It would be aimed at potential terrorists, organized crime syndicates and identity theft rings. A task force based upon these priorities would dovetail with other DHS, FBI and intelligence agencies’ work to thwart terrorism and crime. The bonus would be a more cost-effective initiative that might garner appropriated funds from Congress.

“Second-class citizen” always has been used as a pejorative term, for good reason. An overzealous policy to subject certain U.S. citizens to additional scrutiny is demeaning and undercuts American values. From our beginnings, the United States has distinguished itself in the world because it has encouraged (but not coerced) legal immigrants to become citizens. As a result, we are a better nation.

*Ruth Ellen Wasem is a clinical professor of policy at the Lyndon B. Johnson School of Public Affairs, the University of Texas in Austin. For more than 25 years, she was*

*a domestic policy specialist at the U.S. Library of Congress' Congressional Research Service. She has testified before Congress about asylum policy, legal immigration trends, human rights and the push-pull forces on unauthorized migration.*