



Contact: Sonia Muñoz, Esq.
Immigration Legal Counsel, LLC
Phone: 954.376.3767
smunoz@ilclawfirm.com

Still Waiting to Become a US Citizen?

The United States Citizenship and Immigration Services (USCIS) is currently facing an enormous backlog of naturalization cases waiting to be processed. The USCIS itself has estimated that it will take approximately three years to handle the current naturalization backlog. In this year of elections and desires for change in the national government, this situation is absolutely devastating to individuals who have already been approved for US citizenship but are still waiting to receive their Oath Ceremony invitation. Many persons are unaware that only **after** swearing allegiance to the United States during the oath ceremony does one become a naturalized US citizen.

It will take approximately three years for the USCIS to process the naturalization cases currently pending, as indicated by USCIS officials. According to the Migration Policy Institute, the USCIS has informed them that during the summer of 2007, it received approximately triple the amount of naturalization applications that it received during the same period in 2006. In specific, as of October of 2007, the USCIS had almost 1 million naturalization applications waiting to be processed and decided.

The vast increase in applications submitted to the USCIS was likely a result of the USCIS's filing fee increase on July 30th last year. As a result of the USCIS increasing its filing fees, the fee for naturalization process rose from \$330 to \$595. The filing fee for naturalization increased to almost double the price. With this increase, it is easy to see why the amount of submitted naturalization applications more than doubled last year.

Members of Congress have noted that the stated reason by the USCIS to increase its fees was to decrease the processing times. Actually, the USCIS specified that it would utilize the increased amount of fees to hire more employees and increase its processing resources. It noted that the fee increase would cut the average processing time for naturalization applications by 20 percent by the end of 2009. However, the opposite is currently happening.

During this crucial year of elections, becoming a US citizen authorized to vote is extremely important. Though the situation is extremely frustrating for many, there are

ways available to speed up the Naturalization process. US Immigration laws allow persons who have been waiting for 120 days after the naturalization interview without receiving any communication from the USCIS to petition the courts to make a decision on the naturalization. For example, in cases where the individual was approved at the time of the naturalization interview but has not received an Oath Ceremony Invitation within 120 days from the time of the interview, the individual may seek assistance of the court to obtain the Oath Ceremony Invitation. On the other hand, if the person has completed the naturalization interview and has not received a decision within 120 days from the interview, the courts may act on the person's behalf and force the USCIS to make a decision. The courts may decide to either conduct a naturalization interview themselves or to send it to the USCIS for an immediate decision without any further interviews.

This process is commonly used right now based on the extreme naturalization backlog, the USCIS's expected wait of three years, and the fact that the elections for a new President of the United States are coming up in just a few months. If you have already undergone your naturalization interview and have either not received a response or an Oath Ceremony Invitation from the USCIS within 120 days, make sure to contact an Immigration attorney to discuss the alternatives available. The right to vote is a right that every single US citizen has and it should not be placed at risk based on administrative deficiencies.

About the Author:

Attorney Sonia M. Muñoz is the President of Immigration Legal Council, LLC. (ILC), a South Florida-based law firm, handling cases in all 50 states and Internationally. The firm is very active in protecting the rights of Immigrants and in assisting foreign professionals to legally enter and work in the United States. You can find more information about ILC and different methods of entry into the US on their website at www.ilclawfirm.com, or by calling 1-866-482-VISA(8472). Initial Consultation is FREE.

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