

January 14, 2020

The Honorable Susan Rice
Biden-Harris Transition Team

Dear Ambassador Rice,

We, the undersigned 48 leading national and local immigration and civil rights advocacy organizations, write to urge the Biden-Harris Administration to take immediate action to halt the denaturalization apparatus that has been quietly stripping naturalized Americans of their citizenship in ways and numbers that starkly depart from the practice of the last half century.

The Trump Administration has sought to strip naturalized Americans and their families of their citizenship in numbers exponentially greater than any previous administration. From the 1960s to the early 2000s, denaturalization was largely considered a last resort to be used only against alleged Nazis and other war criminals who had committed crimes against humanity. Today, denaturalization is increasingly used as an immigration enforcement tool and a precursor to deportation. As currently operationalized, denaturalization echoes the practice of separating families present in the Muslim and African Bans, explicit policy of family separation at the border, and deportations.

In 2017 and 2018, the Trump Administration filed double the average number of denaturalization cases filed in the prior 12 years with apparent targeting of people of color and Muslims. At the same time, the Trump Administration has institutionalized the denaturalization apparatus across different agencies, setting up offices and units in the Departments of Justice and Homeland Security for the sole purpose of denaturalizing citizens.¹ Denaturalization itself is a costly and time-consuming process, involving multiple cabinet-level departments and federal litigation and requiring a significant expenditure of resources.² Additionally, the Trump Administration has drastically expanded the scope of activities that the government is willing to allege as grounds for denaturalization to include innocent mistakes, allegations of minor unlawful acts, or even mistakes made by the government.³ The current denaturalization regime reflects the racialized and criminalized narratives about who belongs in America and reinforces a kind of second-class citizenship for Americans who were not born in the U.S.

In order to prevent greater harm to communities, the Administration should take the following actions:

On Day One:

- **Impose an immediate moratorium on both civil and criminal denaturalizations.** The Administration should immediately announce a moratorium on all denaturalizations until

¹ Open Society Justice Initiative, *Unmaking Americans: Insecure Citizenship in the United States* (2019), <https://www.justiceinitiative.org/uploads/e05c542e-0db4-40cc-a3ed-2d73abcf37f/unmaking-americans-insecure-citizenship-in-the-united-states-report-20190916.pdf>.

² U.S.C.I.S. Ombudsman, *Annual Report 2020* (June 30, 2020), https://www.dhs.gov/sites/default/files/publications/20_0630_cisomb-2020-annual-report-to-congress.pdf.

³ Open Society Justice Initiative, *supra* note 1.

the new Administration has fully assessed the current operations and put appropriate safeguards in place.

In the First 30 Days:

- **Conduct a thorough review of federal agencies with an eye toward dismantling offices or units focused on denaturalizing citizens.** The Administration should dismantle the Trump Administration's denaturalization apparatus in the Departments of Homeland Security, Justice, and State within the first 100 days. This dismantling should disband Operations Janus, Second Look, and Prison Lookout; USCIS's Benefits Integrity Office; and DOJ Office of Immigration Litigation's Denaturalization Section.
- **Publish without delay all data relating to denaturalization priorities and policies and individual denaturalization cases since 2008.** In addition, publish a report analyzing denaturalization investigations and prosecutions to determine whether these actions have been disproportionately aimed at particular racial, religious, ethnic, cultural, or other groups.

In the First Six Months:

- **Work with impacted individuals and advocacy organizations to evaluate the civil and criminal denaturalization apparatus.** Pending evaluation, issue guidance to federal agencies that denaturalization should be pursued in only the most egregious cases.
- **Institute a process for reviewing recent denaturalizations with an eye toward reinstating citizenship of denaturalized individuals and their derivatives.** Through civil denaturalization, naturalized Americans and their children and spouses have been stripped of their citizenship through coercive settlement agreements or civil mechanisms, often without procedural protections, and often based on questionable evidence such as a single disputable fingerprint.
- **Institute oversight measures to ensure that the expanding use of new technologies and databases designed to track identities across government bureaucracies do not discriminatorily surveil communities of color.** Digitization of highly questionable paper-based fingerprint cards and the gradual linking of immigration and law enforcement databases are central to immigration enforcement through denaturalization.
- **Support legislation designed to limit denaturalization and institute procedural protections for those subject to civil denaturalization.** Support legislation providing procedural protections in civil denaturalization proceedings and eliminating all but the most egregious grounds of denaturalization.

These recommendations are a start for this Administration to rectify this problem and a step towards reaffirming the security of citizenship for 21 million naturalized Americans.

Thank you for your consideration. We look forward to working with you to make this vision a reality. You may direct further inquiries to Deborah Choi at Deborah@muslimadvocates.org.

Respectfully,

Muslim Advocates

Advocating Opportunity
African Communities Together
Alianza Nacional de Campesinas
Asian Americans Advancing Justice - AAJC
Asian Americans Advancing Justice - Atlanta
Asian Law Alliance
CARECEN
Center for Gender & Refugee Studies
Center for Victims of Torture
Central American Resource Center of California (CARECEN Los Angeles)
Church World Service
Citizenship News
City of Seattle Office of Immigrant and Refugee Affairs
Coalition for Humane Immigrant Rights (CHIRLA)
Colectiva Legal del Pueblo
Colorado Immigrant Rights Coalition (CIRC)
Disciples Refugee and Immigration Ministries
Entre Hermanos
Freedom Network USA
Georgia Association of Latino Elected Officials (GALEO)
GMHC
Haitian Bridge Alliance
HIAS Pennsylvania
Hispanic Federation
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Legal Resource Center (ILRC)
League of Women Voters of the United States
Multicultural Efforts to end Sexual Assault (MESA)
Muslim Bar Association of New York
NALEO Educational Fund
National Immigration Project (NIPNLG)
National Partnership for New Americans (NPNA)
North Carolina Asian Americans Together
Network in Solidarity with the People of Guatemala (NISGUA)
OneAmerica
Open Society Justice Initiative
Oxfam America
Project South
Self-Help for the Elderly
Service Employees International Union (SEIU)
The Sikh Coalition
South Asian Americans Leading Together (SAALT)
Southeast Asia Resource Action Center
Southern Poverty Law Center
U.S. Committee for Refugees and Immigrants
Union for Reform Judaism

United We Dream
West African Community Council
Wind of the Spirit Immigrant Resource Center