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***Thank you for agreeing to represent an applicant before USCIS! Please read this entire memorandum, and contact Project Citizenship with any questions.***

**What to bring:**

- Photo I.D. and Bar card (out of state Bar cards are acceptable)
- A printed Form G-28 (edition with 2021 expiration date in top right corner)
  - Please list Project Citizenship's address in Part 1 so that we receive all further notices and can follow up on the applicant's case
- A copy of the applicant's application materials and interview notice
- Pen and paper to take notes and/or a copy of our debrief worksheet

**Before the interview:**

- Please reach out to the applicant (or helper/family member) and the interpreter at least two days before the interview to make sure everyone knows when and where to meet. Let the applicant and helper/family member know that they should not check in until you arrive. Applicants who check in prior to meeting with the attorney risk being called into interview before the attorney arrives.
- Please arrive 30 minutes prior to the scheduled interview time, to allow time for passing through security, and finding the applicant and interpreter.
- Once you pass through security in Boston, you will follow signs to room E-160. After you find the applicant and interpreter, ensure that the applicant checks in with the receptionist at the front of room E-160, and then wait for an officer to call the applicant's name. In Lawrence, there is a reception desk immediately after security, but you can go into the waiting room to find the applicant before checking in.
- While waiting to be called for an interview, ask the applicant to sign Form G-28 permitting you to enter your appearance before USCIS. You should also have the applicant and the interpreter complete Form G-1256, *Declaration for Interpreted USCIS Interview*. While most officers allow family members to interpret, a small number take issue with the practice. You should feel confident advocating for a family member to be allowed to interpret. According to the USCIS Adjudicator's Field Manual, a family member may interpret so long as they are competent, impartial, and unbiased.

- Check that the applicant and interpreter and/or surrogate have the necessary documents and I.D. The applicant should have a green card and passport(s). The interpreter should have photo I.D.
- Some attorneys find it helpful to brief an applicant and family members on what to expect in the interview, i.e., that the officer will decide whether or not to accept the N-648, and that if it is accepted the applicant will be sworn in and the officer will ask questions relating to the N-400. It is also a good time to check with a client if any circumstances have changed since submitting the N-400, e.g., travel, addresses, marital status and employment. This new information should be provided to the officer during the interview. This is not a matter of prepping clients to respond in a certain way. Rather, the aim is to help applicants and family members to understand what the process will be like, to set expectations, and to give them a chance to ask questions.

#### **Interview Procedure:**

- The officer who will conduct the interview will come into the lobby and call the applicant's name. It is possible that the officer will have reviewed the N-648 ahead of time and, if the officer is denying the N-648, will let you know before the interview and not allow the interpreter into the room (unless the applicant is otherwise entitled to one). But, more often than not, especially in Boston, the officer will wait until the interview begins before adjudicating the N-648.
- If the N-648 is denied, the applicant must be given the opportunity to conduct the interview in English. However, as this will be impossible for the client, the best practice is to stipulate that the client will not be able to pass the required English tests, and request that the officer issue a continuance addressing the N-648's deficiencies. Either way, if it is the applicant's initial interview, he or she will be given another opportunity to submit a revised N-648.
- On entering the interview room, you should hand the officer the G-28 and G-1256. If the officer does not seem to be aware that an N-648 and/or oath waiver letter have been submitted, you should check with the officer that they have these in the applicant's file.
- If the N-648 is accepted, the interview will proceed in the applicant's native language. The officer will likely ask for your photo I.D. and Bar card, for the interpreter's photo I.D., and for the applicant's green card and passport.
- The applicant will have both index fingers fingerprinted, and will have a photo taken. The applicant and interpreter will both be sworn in.
- The officer will review the applicant's N-400 application, asking the applicant questions along the way to ensure that the answers are true and correct. If the applicant does not understand the question, it is proper to ask the officer to repeat or rephrase. Additionally, if the officer asks any questions that you feel are inappropriate, it is proper for you to respectfully object to the officer's questions. (Note, however, that an officer may ask a broad range of questions in the interview and, so long as the questions do not begin to lead to answers from the applicant that may be damaging to his or her application, you can usually remain silent.)
- The officer may ask the applicant to sign any corrections or changes to the application.

- If no issues arise, the officer should indicate that he or she will recommend approval of the application. The applicant may receive a letter with the date of their oath ceremony at USCIS after the interview, or the letter may be mailed later.
- If an issue arises and USCIS needs further documentation, a Notice of Continuance will be issued along with a Request for Evidence (RFE). This may be issued at the interview or mailed to the client later on. If at all possible, it is better to have the officer write and issue the Notice and RFE before leaving the interview so that you can check the contents of the RFE. When an RFE is later mailed to an applicant, it may contain a slightly different request than the one the officer communicated at interview. After the applicant submits the additional documents, a new interview will be scheduled, if necessary.
- Please make a note of the name of the officer conducting the interview and relay this information to Project Citizenship after the interview. Please also make a note of any comments made regarding the N-648. You may find it helpful to take a printed copy of the attached worksheet with you. Once completed, this can be scanned and emailed to us and will provide all the debriefing we need.

#### **USCIS Review of the N-648:**

- The officer's role is to review the N-648 for completeness, and to determine if it sufficiently establishes that the applicant has a physical or mental impairment that prevents him or her from demonstrating the required knowledge of the English language and/or U.S. history and civics requirements.
- The officer should not question the validity of the diagnosis, question the applicant about their ability to complete other types of tasks, or ask for additional medical records. If the officer violates these procedures, you can interject. If the officer continues to violate these procedures, you can ask him or her to bring in a supervisor. More information regarding the officer's review of the N648 can be found at in the USCIS policy manual at:  
<https://www.uscis.gov/policymanual/HTML/PolicyManual-Volume12-PartE-Chapter3.html>

#### **Oath Waiver:**

- USCIS may waive the Oath of Allegiance to the United States for an applicant who is unable to understand or to communicate an understanding of the oath's meaning because of a physical or developmental disability or mental impairment. In order for USCIS to adjudicate a request for an oath waiver because of a medical condition, the applicant must submit, in addition to the N-648, a written evaluation by a certified medical professional certifying that the applicant is unable to understand the meaning of the oath of allegiance.
- Officers often refer to requests to waive the Oath of Allegiance and use a surrogate as a request for "public law." Officers do not always notice oath waiver letters. You should feel comfortable asking the officer if they have seen the oath waiver letter in the file.
- If USCIS approves the oath waiver, the applicant will not be required to answer any questions from the officer or take the oath. Instead, either the applicant's legal guardian or a U.S. citizen spouse, parent, adult child, or adult sibling, who is the primary custodial caregiver and who takes responsibility for the applicant will answer questions on the applicant's behalf and take the oath for them. If the surrogate is the legal guardian, s/he must provide I.D. and a guardianship order. A legal guardian need not be a U.S. citizen. If

the surrogate is a U.S. citizen relative, he or she must provide proof of U.S. citizenship (U.S. birth certificate, certificate of naturalization, or U.S. passport), proof of his or her relationship with the applicant (birth certificate(s) or marriage certificate, with certified translations if not in English), and proof that he or she is the applicant's primary caregiver (e.g., U.S. citizen relative's tax return with applicant listed as dependent, U.S. citizen relative's lease with applicant listed, healthcare proxy document listing U.S. citizen relative as proxy, affidavits from other family members, power of attorney). Officers vary as to what they require as proof of primary care. You should advocate for the sufficiency of the documents that are brought to interview.

- Often, if an applicant submits a letter from his or her doctor certifying that the applicant is incompetent to take the Oath of Allegiance, and the application is approved, USCIS will issue the Certificate of Naturalization while the applicant is still at USCIS.

**Wrap-up:**

- USCIS occasionally experiences technical difficulties with its computer systems. If the computer system is down, USCIS may issue a continuance requiring the applicant to submit passport photos. Passport photos may be obtained at a drug store such as CVS.
  - Before you leave, please make sure the applicant understands what happened at the interview, and is aware of any necessary next steps.
  - If the applicant's application was approved, but the applicant still needs to take the oath, the applicant should receive a letter in a few weeks with the date and location of the oath ceremony.
  - If the case was continued for further evidence or because the N-648 was rejected, please explain the issue to the applicant and alert someone from Project Citizenship as soon as possible.
  - After the interview is completed, please contact Project Citizenship to discuss the outcome of the interview and relay any additional information, including the officer's name. Project Citizenship will handle all necessary follow-up. It is very important that Project Citizenship receives a copy of all Notices of Continuance and Requests for Evidence so that we can properly follow up on an applicant's case.
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