



## **Oath Waivers**

- Applicants with disabilities who are completely unable to answer questions about themselves or their applications require oath waivers.
- Oath waivers are only appropriate in exceptional N-648 cases, such as for:
  - Applicants who are non-verbal and cannot communicate at all;
  - Applicants who are unable to perceive reality.
- Oath waivers allow legal guardians, surrogates, and certain family members to answer questions on applicants' behalf during interviews. Oath takers may also sign forms for applicants, but should write their own names and indicate their relationship to applicants.
- Applicants who require oath waivers should not be scheduled for an appointment until an eligible oath taker has been identified and the supporting evidence has been reviewed.
- Copies of oath waiver evidence may be submitted with applications but all original evidence must be submitted at interviews.
  - What evidence is needed depends upon whether oath takers are applicants' legal guardians, surrogates, or family members.
  - Original N-648s must always be submitted with applications.
- Applicants who require oath waivers but do not have eligible oath takers are ineligible for naturalization.
  - Project Citizenship should offer these applicants' families resources about guardianship but should not schedule appointments until a guardian is appointed.
- Page 2 summarizes who is eligible to be an oath taker, what evidence is needed, and when it must be submitted.
- Page 3 is a guide to screening applicants for oath.
- Resources:
  - <https://www.uscis.gov/policy-manual/volume-12-part-j-chapter-3>.

**Oath Waiver Evidence**

	<b>Evidence</b>	<b>Submission</b>
<b>All Oath Waiver Cases</b>	<ul style="list-style-type: none"> <li>• N-648</li> <li>• Letter signed by doctor</li> <li>• Request signed by oath taker</li> </ul>	<ul style="list-style-type: none"> <li>• Original submitted with N-400</li> <li>• Original submitted at interview</li> <li>• Original submitted at interview</li> </ul>

<b>Oath Taker</b>	<b>What to Prove</b>	<b>Evidence</b>	<b>Submission</b>
<b>Legal Guardian or Surrogate</b>	<ul style="list-style-type: none"> <li>• Legal guardianship or surrogacy</li> </ul>	<ul style="list-style-type: none"> <li>• Certified guardianship or surrogacy decree</li> </ul>	<ul style="list-style-type: none"> <li>• Original submitted at interview</li> </ul>
<b>USC Family Member (spouse, parent, adult child, or adult sibling only)</b>	<ul style="list-style-type: none"> <li>• US citizenship</li> <li>• Relationship</li> <li>• Primary custodial care and responsibility</li> </ul>	<ul style="list-style-type: none"> <li>• Naturalization certificate or US passport</li> <li>• Certified translated birth certificate(s), marriage certificate, or adoption decree</li> <li>• One or more of the following:                             <ul style="list-style-type: none"> <li>• (1) tax return claiming the client (best);</li> <li>• (2) health care proxy form (good);</li> <li>• (3) social security administration documents (good);</li> <li>• (4) lease (okay); or</li> <li>• (5) signed or notarized affidavits (weak)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Copy submitted at interview</li> <li>• Copy(ies) and translation(s) submitted at interview</li> <li>• Copy(ies) submitted at interview</li> </ul>

### Screening Clients for Oath

- Is the client able to answer most questions on the application without assistance?
  - Yes. It's not an oath waiver case. Stop.
  - No. It might be an oath waiver case. Keep going.
- Does the client have a court-appointed legal guardian or surrogate?
  - Yes. It's an oath waiver case. We need to see a certified copy of the decree and submit it at the interview. The guardian or surrogate must attend. Stop.
  - No. It might be an oath waiver case. Keep going.
- Does the client have a US citizen spouse, parent, adult child, or adult sibling?
  - Yes. It might be an oath waiver case. We need to see a copy of the following documents and submit them at the interview: 1) the family member's naturalization certificate, US passport, or US birth certificate; 2) the family member's birth certificate, marriage certificate, or adoption decree, with translation. Keep going.
  - No. It's not an oath waiver case unless the client gets a legal guardian. Give the client's family guardianship materials. Stop.
- Does the client live with his or her US citizen spouse, parent, adult child, or adult sibling?
  - Yes. It's probably an oath waiver case. Does the family member claim the client on his or her taxes?
    - Yes. It's an oath waiver case. We need to see a copy of the tax return and submit it at the interview. Stop.
    - No. It might still be an oath waiver case. Is the family member able to prove that he or she is the client's primary caretaker by providing evidence of one or more of the following: 1) a health care proxy form; 2) social security administration documents; 3) a lease; or 4) signed or notarized affidavits?
      - Yes. It might be an oath waiver case. We need to see copies of all of the evidence and submit them at the interview. Stop.
      - No. It's not an oath waiver case unless the client gets a legal guardian. Give the client's family guardianship materials. Stop.
  - No. It's probably not an oath waiver case, but is the family member able to prove that that he or she is the client's primary caretaker by providing evidence of one or more of the following: 1) a health care proxy form; 2) social security administration documents; or 3) signed or notarized affidavits?
    - Yes. We need to see copies of all of the evidence and submit them at the interview. Stop.
    - No. It's not an oath waiver case unless the client gets a legal guardian. Give the client's family guardianship materials. Stop.
- **In addition to the evidence above all oath waiver cases always require:**
  - an N-648;
  - a written request to waive the oath signed by the oath taker;
  - a written evaluation signed by the client's doctor.