



PROJECT CITIZENSHIP

11 Beacon Street
Suite 720
Boston, MA 02108

November 5, 2021

Samantha Deshommes
Chief, Regulatory Coordination Division, Office of Policy and Strategy
U.S. Citizenship and Immigration Services, Department of Homeland Security

*Re: Agency Information Collection Activities; Revision of a Currently Approved Collection:
Medical Certification for Disability Exceptions, Document ID USCIS-2008-0021-0096, OMB
Control Number 1615-0060*

Dear Ms. Deshommes,

Project Citizenship appreciates this opportunity to comment on the proposed changes to the Form N-648, Medical Certification for Disability Exceptions related to U.S. Citizenship and Immigration Services, Department of Homeland Security Docket ID USCIS-2008-0021; OMB Control Number 1615-0060.

Project Citizenship is a nonprofit organization based in Boston, Massachusetts. Launched in 2014, Project Citizenship specializes in helping permanent residents in Massachusetts and beyond overcome barriers to U.S. citizenship. Our mission is to ensure that all immigrants understand and have access to a path to citizenship, regardless of their ability to pay. Since 2014, Project Citizenship has helped over 9,300 lawful permanent residents apply for citizenship through its dedicated full-time staff, pro bono legal partners, and more than 4,000 trained volunteers. We have a 94% success rate.

Since 2019, Project Citizenship has assisted over 450 individuals apply for naturalization seeking an exemption for demonstrating speaking, reading, or writing English and/or understanding U.S. history and civics, with a completed Form N-648.

We appreciate USCIS simplifying the proposed Form N-648 in response to our and others' comments submitted in June 2021. Specifically, we thank USCIS for proposing to eliminate many of the superfluous questions on the form, such as: the date when each disability or impairment began, date of diagnosis, how each relevant disability and/or impairment affects specific functions of the applicant's daily life, an explanation as to which disabilities or impairments are expected to last over 12 months and why, frequency of treatment, and, if a telephonic interpreter was used, whether the medical professional asked a telephonic interpreter to affirm their fluency in English and accuracy in interpretation, and whether they answered in the affirmative. We also appreciate that the proposed form no longer directs medical professionals to sign the Form N-648 if the applicant is not eligible for

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an exception because their disabilities or impairments have not lasted or are not expected to last 12 months or more, are the result of the applicant’s use of illegal drugs, or if the applicant’s disabilities or impairments do not prevent the applicant from demonstrating the ability to read, speak, or write English or answer questions regarding U.S. history and civics. We appreciate that the proposed instructions add that surrogates or designated representatives may sign the Form N-648. Finally, we thank USCIS for the note on the proposed instructions which states that the definition of disability used in the Form N-648 may be different from the definition of disability used for other purposes.

We anticipate the proposed Form N-648 will be simpler for medical professionals to complete and simpler for USCIS officers to adjudicate. We hope it will result in many fewer needless continuances.

We have several suggestions to improve the proposed Form N-648 further.

1. *Eliminate Question 8 in Part 3 and create an optional Oath of Allegiance evaluation form for medical professionals to use instead.*

We suggest Question 8 in Part 3, asking the medical professional to answer whether the “applicant is unable to understand or communicate that they understand the meaning of the Oath of Allegiance to the United States, because of their disabilities or impairments . . . even in a language the applicant understands,” be eliminated. If this question remains on the form, we think medical professionals are likely to answer no more often than necessary because they are not aware of what understanding or communicating an understanding of the meaning of the Oath of Allegiance to the United States involves. An oath waiver, as the proposed instructions state, requires applicants to secure a legal guardian, surrogate, or U.S. citizen designated representative.

Many applicants may not have a legal guardian, surrogate, or U.S. citizen designated representative. As such, the addition of this question on the Form N-648 may deter these applicants from applying to naturalize or encourage them to gather and submit evidence that may be wholly unnecessary. At best, this would involve an applicant collecting evidence of a close familial relationship to a U.S. citizen who provides them custodial care and responsibility; at worst, this would involve an applicant not applying for U.S. citizenship at all because they don’t have such a U.S. citizen relative, legal guardian, or surrogate, or pursuing guardianship or other legal proceedings unnecessarily. Without explaining to medical professionals what an oath waiver is and when it is necessary, adding this question to the Form N-648 may result in many fewer disabled applicants seeking to naturalize and many more applicants requesting oath waivers unnecessarily. In addition, in our experience, oath waiver cases are much more time consuming for USCIS to adjudicate because they involve conducting an interview where two people must be present and evaluating whether the applicant has demonstrated that they have a suitable person eligible to act on their behalf.

Instead, we suggest USCIS publish an optional Oath of Allegiance evaluation form for medical professionals to use, similar to how USCIS publishes an optional fee waiver form. We have attached a template we provide medical professionals to use, if they choose, for our clients who may require



an oath waiver.

2. Clarify if an in-person examination is required or if a tele-health appointment is sufficient.

The Policy Manual currently requires the medical professional to have conducted at least one in-person examination of the application. See USCIS Policy Manual, Volume 12, Part E, Chapter 3, Section D at <https://www.uscis.gov/policy-manual/volume-12-part-e-chapter-3#footnotelink-10>. It is not clear whether the proposed Form N-648 requires one in-person examination by the certifying medical professional as the proposed form and instructions require “an examination.”

If an in-person examination is required, this should be clarified on both the proposed Form N-648 and the proposed instructions so that medical professionals and applicants do not waste their time completing a Form N-648 and a Form N-400 if they have only met virtually. Specifically, if an in-person examination requirement exists, language should be added to explain that one in-person examination is required on page 1 in the notes section and on page 4, Part 6, Number 1 of the proposed Form N-648 and on page 2 of the proposed instructions.

3. Permit applicants to respond to continuances with any edition date of Form N-648.

When continuances are issued because of a deficiency in a Form N-648, we urge USCIS to accept an updated version of the Form N-648 that the medical professional already completed, even if that version is no longer the current edition of the Form N-648. Requiring a medical professional to complete an entirely new Form N-648, due to USCIS having changed the form edition during the N-400 processing time, wastes time and resources and dissuades disabled applicants and their families and advocates from helping them pursue naturalization.

4. Correct grammatical errors.

On the proposed Form N-648, we think there is a period missing on page 3, Part 3, Question 4, and a comma missing after impairments missing on page 3, Part 3, Question 5. On the proposed instructions, on page 2, information needed for item number 7 should be information needed for item number 8.

Thank you for your consideration of our comments.

Sincerely,



Mitra Shavarini
Executive Director



Date

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services

Re: _____
Patient's Name

N-400, Application for Naturalization

EVALUATION TO TAKE THE OATH OF ALLEGIANCE

Dear USCIS:

In accordance with the USCIS Policy Manual and 8 C.F.R. § 316.12, I am providing this evaluation regarding the above applicant's ability to take the Oath of Allegiance.¹

The applicant has been my patient since:

-

The applicant has the following condition(s) which affect the applicant's ability to understand or communicate an understanding of the oath:

-

The condition(s) are characterized by the following symptom(s):

-

Considering the applicant's symptoms, it is my medical opinion that the applicant is:

- unable to understand or communicate an understanding of the meaning of the oath and is not expected to be able to do so in the near future.
- able to understand or communicate an understanding of the oath and fully understands the purpose and responsibilities of the naturalization procedures.

Sincerely,

Medical Professional Signature

License Number

¹ See 12 USCIS-PM J.3(C), <https://www.uscis.gov/policy-manual/volume-12-part-j-chapter-3>; 8 C.F.R. § 316.12.