



## PROJECT CITIZENSHIP

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June 21, 2021

Samantha Deshombres  
Chief, Regulatory Coordination Division, Office of Policy and Strategy  
U.S. Citizenship and Immigration Services, Department of Homeland Security  
20 Massachusetts Avenue NW  
Washington, DC 20529-2140

*Re: Agency Information Collection Activities; Revision of a Currently Approved Collection:  
Medical Certification for Disability Exceptions, Docket No. USCIS-2008-0021-0052, OMB  
Control No. 1615-0060*

Dear Ms. Deshombres,

Project Citizenship appreciates this opportunity to comment on the proposed changes to the Form N-648, Medical Certification for Disability Exceptions.

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 8,900 lawful permanent residents apply for citizenship through its dedicated full-time staff, pro bono legal partners, and more than 3,000 trained volunteers. We have a 95% success rate.

Since 2019, Project Citizenship has assisted over 400 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. In fiscal year 2019, Project Citizenship assisted approximately 5% of the individuals who submitted a Form N-648 to USCIS nationally. USCIS has issued continuances or requests for evidence on more than 16% of these applications.

In 2020, USCIS issued a new edition of the Form N-648 which greatly expanded the number of questions and level of detail required by certifying medical professionals. As a result, medical professionals now regularly do not fully complete the form, and our staff and clients must expend considerably more time and resources in requesting additional information them. We now assist many fewer disabled individuals in application for naturalization, as a direct result of the 2020 form change. We urge USCIS to revert to the prior, 2019 edition of the Form N-648, because it was considerably less burdensome for both disabled naturalization applicants and medical professionals. Failing that, we ask USCIS to make several specific changes to the proposed Form N-648 and related adjudication practices.

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I. USCIS Should Revert to the 05/23/19 Edition of Form N-648

The proposed Form N-648 remains significantly longer (8 pages, 22 questions in Part 3) than the 2019 edition (6 pages, 12 questions in Part 3), and is unnecessarily and restrictively burdensome. Federal regulations require a medical professional to “be able to attest to the origin, nature, and extent of the medical condition as it relates to the disability” when completing Form N-648.<sup>1</sup> The regulations also require the disability or impairment to have lasted or expect to last at least 12 months, not be based on the direct effects of the illegal use of drugs, and be shown by medically acceptable clinical or laboratory diagnostic techniques.<sup>2</sup> The proposed Form N-648 requires substantially more information than required by the regulations.

The following questions did not appear on the 2019 edition of the Form N-648, appear on the proposed Form N-648 (as well as the current 2020 edition of the form), and are entirely unnecessary as they exceed the scope of the regulations:

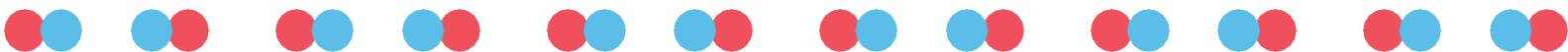
1. Part 3, Question 3: date when each disability or impairment began,
2. Part 3, Question 4: date of diagnosis,
3. Part 3, Question 7: how each relevant disability and/or impairment affects specific functions of the applicant’s daily life,
4. Part 3, Question 9: an explanation as to which disabilities or impairments are expected to last over 12 months and why,
5. Part 3, Question 11: an explanation as to which disabilities or impairments are the result of the applicant’s illegal use of drugs,
6. Part 3, Question 18: frequency of treatment, and,
7. Part 4, Questions 9–11: if a telephonic interpreter was used, whether the medical professional asked a telephonic interpreter to affirm his fluency in English and accuracy in interpretation, and whether he answered in the affirmative.

Part 3, Questions 3 and 4 should be eliminated, as the information requested, namely, when the disability or impairment first began and was first diagnosed, is superfluous. In Part 3, Question 8, the medical professional must certify that the applicant’s disabilities and/or impairments have lasted or are expected to last 12 months or more. There is no minimum amount of time a condition must have appeared or have been diagnosed before a medical professional can certify a Form N-648. If an applicant was diagnosed with a disability on the day the Form N-648 is completed, and the medical professional expects the condition to last over 12 months, the applicant is eligible for an exception. Part 3, Questions 3 and 4 may be harmful to applicants whose disability began or was diagnosed recently, for example, because the applicant did not have access to healthcare previously. Medical professionals may be reluctant to certify the proposed Form N-648 until time has passed since the impairment or disability’s onset or diagnosis, which is not necessary.

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<sup>1</sup> See 8 C.F.R. § 312.2(b)(2).

<sup>2</sup> See 8 C.F.R. § 312.1(b)(3).



Part 3, Question 7 should also be eliminated. Certifying medical professionals must already describe how the applicant's disability prevents the applicant from meeting the English and U.S. history and civics requirements in Part 3, Question 12. What if the applicant's disability does not affect specific functions of the applicant's daily life (for example, what if the applicant can function independently, can work, cook, drive a car, etc.)? These factors should not be considered by USCIS officers. A certifying medical professional's explanation of how the applicant's disability prevents the applicant from demonstrating knowledge and understanding of English/civics should suffice under the regulations.

Part 3, Question 9, which asks the medical professional to explain why the disability or impairment is expected to last over 12 months, should be deleted. The only legal requirement is that the disability or impairment has lasted or is expected to last at least 12 months. Thus, Question 9 is not justified and should be eliminated.

The **NOTE** on the bottom of page 4 of the proposed form directs medical professionals to "go directly to **Part 6. Medical Professional's Certification,**" thus instructing them to sign the form even if the applicant is not eligible for this exception because all of the applicant's disabilities and impairments resulted from the illegal use of drugs. It is unclear why USCIS seems to encourage medical professionals to certify, and disabled applicants to submit, Forms N-648 that will not be accepted. Why doesn't the form explain that if all the applicant's disabilities and impairments are the result of the applicant's illegal use of drugs, the applicant is not eligible for a disability exception and should not submit a Form N-648? It would waste fewer resources and make more sense if the **NOTE** on the bottom of page 4 instructed medical professionals not to sign the form in case of an applicant disabled exclusively due to illegal drug use.

The proposed Form N-648 does not contain a note regarding ineligibility for applicants whose condition(s) are not expected to last more than 12 months. Both 2019 and the existing 2020 Form N-648 contained a notation on the form to make certifying medical professionals aware of this regulatory requirement. It is unclear why USCIS did not include any notice of this in the proposed Form N-648.

Part 3, Question 18 should be deleted. The applicant's frequency of treatment is irrelevant. As the response is inconsequential, the purpose of this question seems solely to find discrepancies between the response to this question and Part 3, Question 15, the date of the applicant's last exam. This is an invalid reason for a superfluous question on a Form N-648.

These many additional questions create barriers for disabled individuals seeking an exception to the English and U.S. civics requirements. The questions are not necessary to determine whether an applicant is eligible for an exemption, and they interfere with medical professionals' abilities to perform their jobs by requiring them to spend excessive time completing Form N-648. The proposed Form N-648 (and the current 2020 version) appear specifically designed to be much more difficult than the 2019 form for medical professionals to complete satisfactorily.

As such, these many additions, which have been in place since 2020, also result in needless continuances regularly. If a medical professional fails to respond to a single question on the Form N-648 (either because an oversight or because the information is unknown and they do not write "unknown"), a USCIS officer may issue a continuance. This happens to our clients frequently, even if



the question is unimportant in the applicant’s particular circumstances (for example, the date when the applicant’s Alzheimer’s Disease began), or wholly irrelevant (for example, the frequency of an applicant’s treatment).

II. USCIS Must Make Changes to the Proposed Form N-648

If USCIS is unwilling to return to the simplified 2019 Form N-648 or adopt our suggestions above, USCIS should still edit Part 3, Question 17 of the proposed Form N-648 because there is a mistake. Specifically, Question 17 should instruct the medical professional to skip Item Numbers 19 - 21, not Item Numbers 20 - 22. In addition, the form should clarify whether all medical professionals must answer Part 3, Question 18. It is not clear that non-regularly treating medical professionals would have a frequency of treatment to report. Similarly, not all disabilities or impairment conditions strictly require active “treatment.” The absence of available medications or interventions which alter the natural history of an illness may cause medical providers to leave this section incomplete or to complete it erroneously.

Furthermore, we strongly urge the agency to make the following changes to the proposed form.

It is our understanding (from a recent local USCIS stakeholders meeting) that USCIS does not view telehealth visits as sufficient for the purposes of certifying a Form N-648, or responding to Part 3, Question 14B or 15B. Medical professionals should be permitted to conduct telehealth examinations for purposes of certifying the Form N-648. Not only has the use and efficiency of telehealth been greatly accelerated by the COVID-19 pandemic, but the benefits have become widely accepted. The American Academy of Family Physicians promotes greater use of telehealth beyond the pandemic. “Congress should re-introduce and pass the Expanding Access to Telehealth Act, which ensures that Medicare beneficiaries can continue to access evaluation and management (E/M) and mental health services provided via telehealth beyond the public health emergency.”<sup>3</sup> Access to in-person medical visits is limited for a large portion of this country due to lack of transportation and inflexible employment schedules. Telehealth is a validated and resource-efficient way to reduce this barrier. It is unclear why a naturalization applicant should be required to travel to a medical professional’s office for an exam solely for the purpose of certifying a Form N-648.

When continuances are issued because of a deficiency in a Form N-648, we urge USCIS accept a corrected or updated version of the Form N-648 that the medical professional already completed, even if that version is now out of date. Requiring a medical professional to redo an entire Form N-648, due to lengthy N-400 processing times and/or USCIS having changed the form edition, wastes time and resources and dissuades disabled applicants and their families and advocates from helping them pursue naturalization.

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<sup>3</sup> American Academy of Family Physicians, *Preserving Access to Telehealth Beyond COVID-19*, [https://www.aafp.org/dam/AAFP/documents/advocacy/health\\_it/telehealth/BKG-Telehealth.pdf](https://www.aafp.org/dam/AAFP/documents/advocacy/health_it/telehealth/BKG-Telehealth.pdf) (last visited June 21, 2021).



We thank USCIS for proposing to eliminate the 2020 edition Part 3, Question 7 about the severity of each disability and impairment. This information collection was unnecessary.

Thank you for your consideration of our comments.

Sincerely,



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