



PROJECT CITIZENSHIP

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Submitted via Federal eRulemaking Portal

Samantha L. Deshommès
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:
Application for Naturalization, Docket ID USCIS-2008-025, OMB Control Number 1615-0052,
Federal Register Number 2023-08363

Dear Chief Deshommès:

Project Citizenship respectfully submits this comment to the Department of Homeland Security, U.S. Citizenship and Immigration Services (“USCIS”) on the proposed revision of a currently approved collection of information, Form N-400, Application for Naturalization (OMB Control Number 1615-0052, Docket ID USCIS-208-025).

We are a nonprofit organization based in Boston, Massachusetts. Launched in 2014, we help permanent residents in New England overcome barriers to U.S. citizenship. Our mission is to ensure that all immigrants understand and have access to the path to citizenship, regardless of their ability to pay. We help over 1,000 people apply for citizenship annually, through our small full-time staff and hundreds of trained pro bono volunteers. As over 70% of our clients apply with fee waiver requests, we help all of our clients file for naturalization by mail. As such, we write to comment on the proposed revision of the paper Form N-400.

We appreciate many of the changes in the proposed revision of Form N-400. Specifically, we thank USCIS for eliminating the requirement for any applicants to include their parents’ names, dates of birth, countries of birth, A-numbers, and naturalization dates on the form. In addition, it is a very helpful improvement for the form not to require information about the applicant’s spouse (name, date of birth, date of marriage, physical address, U.S. citizenship status, date of naturalization, A-number, number and dates of marriages, employer, and biographic information about the spouse’s prior spouse(s)), if the applicant is not applying for citizenship under INA § 319. It is also helpful that the preparer must write their name only once, not twice, on the proposed form. Finally, Part 13, a space for additional information

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for any field on the form, is a significant improvement, rather than requiring applicants to generate their own addenda.

We also have suggestions about how to improve the proposed Form N-400.

I. Equity Improvements

The estimated public reporting burden for the information collection of the paper Form N-400 is 8 hours and 40 minutes compared to 3 hours and 51 minutes for an electronically filed Form N-400. As low-income applicants are required to file for naturalization on paper because fee waiver and reduced fee requests are not available with electronically filed naturalization applications, this substantial difference appears to be a time tax on the less wealthy. USCIS should work to decrease the estimated public reporting burden for the paper Form N-400 significantly and increase access to the electronic Form N-400 by allowing fee waiver and reduced fee requests to be filed electronically.

It is unclear why naturalization applicants cannot request certificates of citizenship for children who will derive U.S. citizenship from a parent's naturalization on the Form N-400. Historically, in prior versions of the naturalization form, this option and language existed. In 1973, for example, the form said, "I (Do) (Do Not) desire certificates of citizenship for those of my children under age 16 named below who, according to Instruction No. 7, will become citizens through my naturalization. (Enclose \$10 for each child only if certificates are desired; otherwise, send no fee with this application.)" Adding an option like this (along with an additional fee and required evidence) would not eliminate the existence of the Form N-600 because some parents would not choose the option to request a certificate of citizenship for their children, and children who have already derived, for example, from the other U.S. citizen parent, would not be affected by this change. However, this change would help an enormous number of families who now must navigate a Form N-600 for each child after a parent naturalizes. In this substantive revision of the naturalization application, we strongly encourage USCIS to make it simpler for naturalizing parents to obtain evidence of their minor children's U.S. citizenship by allowing applicants to request certificates of citizenship for their children directly in the Form N-400.

The proposed Form N-400 form inexplicably requires handwritten signatures. It is unclear why this requirement exists and persists, in this time, when electronic signatures are commonplace, accomplish millions of legal transactions, and printers may be inaccessible, especially for low-income applicants.

II. Logistical Improvements

We have several practical revisions to suggest for the proposed Form N-400.

- The order of the information requested does not flow logically. For example, it is confusing that biographic information (Part 4) is requested after residences and before schools and employment. Such information should be moved after Part 2 of the form "Information about you."



- It would be helpful if the form offered the applicant an option to change their gender marker.
- Why does the form require applicants to answer antiquated ethnicity and race categorizations? For example, it may be difficult for applicants who identify as Latinx/Hispanic or of mixed descent to select the relevant race box in the form. USCIS should eliminate these categorization requirements or include “other” or “mixed” options for both the ethnicity and race questions.
- The current Form N-400 requires applicants to specify if they have taken any trips outside the U.S. in the last five years which have exceeded 6 months, and to total the number of days they have been absent from the U.S. In effect, this makes applicants aware of the continuous residence and physical presence requirements, in the form itself. The proposed form eliminates these fields, and instead, applicants must proactively find information about continuous residence and physical presence requirements on page 4 of the 27 pages of instructions. We believe this simplification to the form will do more harm than good. We urge USCIS to maintain these fields in the proposed Form N-400.
- The proposed form requires applicants to provide copies of their spouse’s prior divorce decrees, annulment decrees, and death certificates of their prior spouses, if applicable. This new requirement will serve as an unnecessary barrier to applicants who do not readily have access to these documents because, for example, they have been lost, are difficult or not possible to obtain, or expensive to have translated. This new requirement will also be duplicative for many applicants who have previously submitted these documents to USCIS at the time of their visa application or adjustment. This change will require attorneys and accredited representatives and applicants to submit many more Freedom of Information Act requests to USCIS than they already do, to obtain copies of these documents from applicants A files, to resubmit to USCIS with naturalization applications.
- The language of proposed question 15b in part 9 is much broader than the current language of questions 23 and 24 in part 12 of the current form, in that it requires disclosure of any notifications of criminal investigations. The proposed instructions provide no guidance as to what explanation or documentation is required if the applicant has been notified that they were being investigated for a crime in the past. It seems unlikely that applicants will be able to obtain documentation from law enforcement entities showing that they are no longer under investigation.
- In our experience, mailed naturalization applications are scanned and uploaded when received by USCIS. The Form N-400 is adjudicated on a computer and using an iPad at USCIS field offices. No adjudicator or applicant signs any page of a paper Form N-400 during an interview. In this context, page 14 of the proposed Form N-400 is superfluous and could be replaced by the text of the Oath of Allegiance alone.



Project Citizenship thanks USCIS for the improvements to the proposed form but encourages USCIS to revise it further. Our suggestions would improve the form's accessibility for hundreds of thousands of naturalization applicants.

Sincerely,



Dr. Mitra Shavarini
Executive Director

