



1225 S. Weller St. Suite 430, Seattle, WA 98144 (206)452-8408
OneAmerica www.weareoneamerica.org

July 15, 2022

Submitted via Federal Rulemaking Portal

Samantha L. Deshommes
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: Comment in Response to the DHS/USCIS Agency Information Collection Activities;
Extension, Without Change, of a Currently Approved Collection: Application for Naturalization;
DHS Docket No. USCIS-2008-0025; OMB Control Number 1615-0052**

Dear Chief Deshommes:

I write on behalf of OneAmerica in response to a U.S. Citizenship and Immigration Services' (USCIS) notice of a proposed extension of a currently approved collection of information, Form N-400, Application for Naturalization ("N-400", "Form", or "Application").¹

I. Organization

We submit this comment in response to the proposed Extension of Form N400. OneAmerica, a 501(c)(3) organization based in Seattle, Washington, hereby submits this comment in response to the DHS/USCIS Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for Naturalization; DHS Docket No. USCIS-2008-0025; OMB Control Number 1615-0052. While the rule does not include any significant or substantive changes to the N400 form, USCIS missed an opportunity to shorten and simplify the form to make naturalization more accessible to lawful permanent residents that would also encourage more of them to apply. Below, we provide several suggestions for improving the N400.² In implementing President Biden's Executive Order 14012, *Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans*, by this regulation, we are discouraged that USCIS did not take the opportunity to simplify

¹ 87 Fed. Reg. 29758 (May 16, 2022), <https://www.federalregister.gov/d/2022-10434> [hereinafter Notice]. Where this comment includes hyperlinked material in footnotes, we request that the agency reviews the linked material in its entirety and consider it part of the record.

² References to N400 questions below are from the current PRINT 9/2019 N400 form.

the 20-page form that would make it easier for applicants to apply on their own or with limited help.

OneAmerica is the largest immigrant and refugee advocacy organization in Washington State. OneAmerica plays an active role in state and national coalitions working on immigrant rights, education, economic justice, voting rights, and immigrant and new citizen integration. Our mission is to promote justice, fairness, and due process for all, particularly for immigrant and refugee communities.

One of our flagship programs, Washington New Americans (WNA), has provided free citizenship screening and application preparation workshops throughout the State of Washington since 2008. As part of the process to apply for naturalization, we are intimately familiar with the N-400 form and the obstacles our clients, volunteers, and fellow service providers face with the form. Therefore, we have particular expertise with N400s to be commenting on this regulation. About 88% of our clients earn below 300% of the poverty guidelines, and many of them are eligible for the age/residence exemptions for English testing. OneAmerica also has an English Innovations program which provides English learning courses along with digital literacy and other courses.

II. Comment

A. The full 20 pages of the N-400 are not necessary for the proper performance of the functions of the agency, as parts of the application have limited practical utility.

USCIS states that the N-400 “allows USCIS to fulfill its mission of fairly adjudicating naturalization applications and only naturalizing statutorily eligible individuals.”³ In our experience completing hundreds of naturalization applications for low-income applicants and applicants of color, a lot of the questions are confusing, unnecessary, and/or are not written for low proficiency English learners at the level required to pass the English exam. Indeed, by encouraging more applicants with simpler cases to file pro se, that would alleviate workloads for nonprofits and attorneys who can focus their resources on more complicated cases.

1. The following information on the form is not necessary to adjudicate eligibility:

a. Part 10 Marital history Questions 3-9 are only relevant if the lawful permanent resident (LPR) obtained their permanent residence status through marriage. The spouse and former spouse of a spouse related questions should only be answered if answering “yes” to the question, “Did you obtain your permanent residence from marriage to a permanent resident or US citizen?”. “If no, skip to question ____.” We recommend the foregoing edits to this section. Elsewhere in the good moral character section, there is the question about having been married to more than one spouse at a time, which only calls for a “yes” or “no” answer. A positive answer can be described in an addendum and/or in a Request for Evidence (RFE).

b. Even if the applicant immigrated through a spouse, questions 4g and 8 of Part 10 about the spouse’s employment and prior spouses are not relevant to the applicant’s naturalization eligibility. Further, USCIS will have the previous green card file. USCIS already had two or three cracks at reviewing the marriage for fraud during the K-1 petition process, if applicable, for adjustment of status or State

³ Notice at 29758.

Department immigrant visa process, and for I751 petitions to remove conditions, if applicable. USCIS can issue a RFE if fraud is suspected. For everyone else, these questions are not relevant.

c. Part 11 Questions about children are also not relevant to the applicant's eligibility for naturalization except to the extent the applicant has LPR children under 18 who may benefit from derivative citizenship when the applicant naturalizes. Two pages here could be eliminated and replaced by one question, "Do you have any children with LPR status who are under 18?" and then provide information about potential derivative status if the answer is "yes." Otherwise, the questions about children, including stepchildren or children that live abroad, are irrelevant to naturalization. If the applicant later sponsors a child for immigration, the relationship will be adjudicated during the I130 stage. A question about child support appears later in the good moral questions at Part 13, Question 30H, which asks about failing to provide child support. In addition, asking about "deceased" children is irrelevant to naturalization. Further, the question is invasive and triggering, especially for people who suffered miscarriages or other tragic situations.

d. Part 4 Contact information. All of the possible phone numbers requested are unnecessary except a mobile phone should USCIS eventually decide to text message case status updates. Two lines can be eliminated here by requesting email and mobile or "best" phone number at most. Similarly, in the contact information for preparer, interpreter and representative, one phone number and email should be enough.

e. Part 6 Information About your Parents. We find this section confusing and we often have to edit what our clients have completed. It would be helpful to have an explanation about why these questions are asked. The first question should be, "Are either of your parents US citizens?" "If yes, please answer the questions below." Then make current question 1 number 2, and so on. Eliminate current #2 and #3 "Is your mother/father a U.S. citizen" because it is asked initially as recommended above. If the applicant does not have citizen parents, then they should skip ahead.

f. Part 8 Employment/School history. The occupation boxes are irrelevant to naturalization eligibility except for those that immigrated in the employment based or investment categories who only need show they worked for the sponsoring employer or in the same/similar occupation initially after receipt of LPR status. Therefore, we propose rephrasing and reorganizing this section to make it shorter and relevant to the applicant's method of LPR status.

g. Part 12 Question 5 incompetent/mental institution. The word EVER in the question is not relevant to naturalization since a person may have recovered or been found competent within the residence period. The question stigmatizes people with mental health issues and anything occurring before adjustment of status would have been addressed in the medical exam or at the adjustment/immigrant visa interview. Current impairments are discussed in Part 2 regarding accommodations or disability waivers.

h. Part 12 #7A – Taxes: Again, the word "EVER" is outside the scope of the good moral character residence period required and the word should be eliminated with "during the residence period."

i. Part 12 A, B Question 9A, B Groups/Memberships Question: In our experience, groups and memberships are confusing to our clients and volunteers. They are not sure whether to provide religious institutions such as churches that do not require memberships, or organizations to which they donated money but do not belong, such as the Sierra Club or YMCA. The question appears aimed at finding

people who support terrorist organizations, the question should be narrowed or explained in more detail what to list and what not to list. Keeping in mind that many applicants have limited English experience, they may not know what the US meaning of “association,” “foundation,” “society,” or other words are and their meanings. 9A is a long and confusing sentence. It should be made more clear and easy to understand.

J. Part 12 Question 13 Nazi affiliation – This question should be skipped for people who were not alive prior to 5/8/45. Explain that only people born before that date need answer the questions (not that a one-year old would have participated.)

2. The N400 should use simpler words and sentences throughout. Applicants are required to have a fourth-grade level of understanding and knowledge of English. The following terminology and phrasing is likely to confuse applicants who possess low or basic levels of English proficiency, especially if they file pro se.

a. Part 2 #12: Use simpler language for “developmental disability,” “impairment,” “demonstrating.”

b. Part 3 Explain what an accommodation is on the form and instructions.

c. Part 12

1. Question 4A/B: “hereditary title or order of nobility”: These terms require a definition or a simpler phrase or examples. These terms are not likely to be well understood by people with limited English or are from countries without these types of titles.

2. Question 14A. Genocide. Genocide is actually a legal term, and it is doubtful anyone would answer “yes” to having committed genocide. We know that USCIS officers ask applicants to explain these terms, but they should not even be in the application to begin with.

3. Questions #15, 16 various groups: None of these groups are mentioned in the statute or regulations. The terms military unit (also asked elsewhere about US military service and weapons training), paramilitary unit, rebel, guerilla, militia, and insurgent are all difficult words to understand for limited English speakers. One’s understanding of them may differ by nationality, sociological, historical and/or cultural nuances, not to mention varying political definitions country by country. These two questions should be eliminated in its entirety.

B. The agency’s estimated time burden to complete the N-400 is faulty, including the validity of the methodology and assumptions used.

USCIS estimates that it takes 9.17 hours for a respondent to complete the paper application and 3.5 hours to complete the electronic application.⁴ Additionally, USCIS estimates it will take respondents 1.17 hours to complete the biometrics application.⁵ We are pleased to see USCIS re-using biometrics, which saves everyone time.

We do not believe these estimates are accurate. We have experience with our clients completing the application through software such as Citizenshipworks when we conducted virtual citizenship workshops due to COVID. We screen and prepare paper N400s at our in-person clinics. For those that use

⁴ Notice at 29758.

⁵ Notice at 29758.

Citizenshipworks, we ask that they complete them to 90% before we finish our screenings. About 80% of the applicants using Citizenshipworks never complete more than 75% of the form without our or a relative's help. They often tell us it takes them hours and hours, especially for historical questions (work, address, adult childrens' addresses, travel history), vocabulary needing interpretation or dictionaries (e.g., rebel, genocide, guerilla) or technology issues.

Because the fee waiver and reduced fee forms (I-912 and I-942) are not available for e-filing with USCIS, we prepare paper N400s and the fee waiver/reduced fee forms at our in-person clinics. At our in-person clinics, a paralegal volunteer will spend 2-4 hours just drafting an application, that is usually incomplete because the applicant didn't understand the form or more information is needed. Even if the applicant is an English speaker, the form is so complicated that usually they request an interpreter to ensure that they are answering all the questions correctly and honestly. Between the legal screenings to ensure they can file pro se, drafting, and quality review for errors, it can take someone all day to receive a completed application from us, and often clients are missing some data elements to complete the application in full. That does not include the time involved for clients gathering the information we ask them to bring to the clinic. All of this excludes evidentiary attachments that might be needed such as criminal records, marriage bona fides for the three-year rule, IRS documents, benefits letters for fee waivers or other evidence unique to the client's case.

We also believe that a long and convoluted form creates hardship for those applicants that under the law qualify for the English exception. The format of the form, the long questions, confusing and complex language makes it harder for applicants, interpreters, and legal providers to complete the N-400. The hours that are needed to complete the current version of the N-400 does not match USCIS estimation for time of completion. We suggest in the next version, that USCIS include English language teachers in formulating or editing questions, considering the minimum English required to pass the exam is at a fourth-grade level and that many older applicants are exempt from the English requirement.

The N-400 is currently 20 pages without addenda or attachments. It is one of the longest USCIS forms. To meet the objectives of the President's Executive Order streamlining the immigration system and making naturalization more accessible, the N400 needs to be simpler and shorter. Prior versions going back to 2008 and earlier were only four pages long. Form extension creep and the last administration's focus on "extreme vetting" has led to this time consuming and complex 20-page form that creates barriers to naturalization faced by low-income immigrants and immigrants. The form length has a chilling effect on applicants who do not have resources for legal help or interpreters for those that qualify for the English exemption to help them navigate such a complex form. In addition, many of the questions relate to the policy manual update during the last administration requiring re-adjudication of the green card application. This imposes burdens on applicants, service providers like us, and on USCIS. For example, USCIS just went through the debacle of being sued over delays caused by having to retrieve old files from the Federal Records Center before they could approve N400s. In sum, the application needs to be shorter and more user friendly, so that more people can file pro se, and so that USCIS can reduce backlogs.

C. The quality, utility, and clarity of the information to be collected in the N400 could be enhanced.

1. Part 2, Question 4 Name Change: Provide clear instructions that a name change is permissible in jurisdictions with judicial oaths (and provide a list), while local court orders for name changes are required in advance of the naturalization

interview in the case of administrative oaths or else after the oath of allegiance, in which case the original name will be on the certificate.

2. Part 2, Question 7 Gender: Amend the form to allow for alternative genders to male and female.
3. The N400 and instructions should be clearer about exemptions from the English language test including any disabilities or impairments that would qualify for exceptions.
4. Part 7 Biographic information. Question 2 regarding race is confusing to people who are Hispanic or Latino mentioned in Question 1 who think they need to answer something in question 2 where we often find people checking the “White” box. Question 2 needs to be clarified about who should answer or not answer that question. Question 4 asking for weight is irrelevant and can change from date of filing to oath.

There are some additional questions that need updating in light of recent cases or policy changes in Part 12:

5. Question 1 False Claims to citizenship – have you ever made a false claim to citizenship? This should reflect the USCIS policy manual change (12 USCIS-PM 5.M(1) that requires the false claim to be knowingly false. “Have you ever knowingly made a false claim to citizenship?”
6. Questions 2-3 regarding registering to vote and voting were recently updated in the policy manual at 12 PM 5.M(3): “voting in a local election is not unlawful voting if the applicant is eligible to vote under the relevant law.” This is important because more local jurisdictions are allowing non-citizens to vote in local elections. Furthermore, the policy manual was updated at 12 USCIS-PM F.5 to address inadvertent voter registration. Therefore, this question needs to be updated consistent with that policy change.
7. Part 12 Questions 9-36 Security/Good Moral Character Questions: Generally, USCIS should eliminate questions that request applicants disclose information from their entire history. Part 12 of the N-400 asks a series of questions that require applicants to disclose if they have “EVER” engaged in a particular activity. These questions are present on the form I-485 /DS260 asking the applicant if he or she has “EVER” engaged in the activity in question. As such, the presence of these questions on the N-400 is redundant. USCIS should revise the N-400 to replace “EVER” with “since being granted permanent residence” or “since becoming a Lawful Permanent Resident” and restrict the inquiry on these matters to the period between the approval of permanent residence and application for naturalization. As noted earlier, many of these questions need to be simplified.
8. Question 22, 23 Crimes: Question 22 asking if an applicant has committed a crime for which they were not arrested is asking the applicant for a legal

conclusion of which they may not be aware. Since USCIS will run a background check, the agency will be aware of the applicant's criminal history as well as the information provided in questions 22-29.

Further, Question 23 asking if a person has EVER been arrested or convicted of a crime should include instructions that juvenile offenses do not count unless charged as an adult. Further, question 23 requiring the listing of traffic tickets for about having been "cited" for "any offense" is just not relevant to naturalization eligibility. The instructions should mention NOT to list traffic tickets, just like the I-485. This would make application preparation less burdensome for both applicants, who do not know how to get records and for nonprofits like ours, and who we have to see multiple times until they get the correct records for something that has no bearing on their eligibility. In our experience these type of records have been destroyed after a specific time depending on the jurisdiction. Our applicants then must contact the courts many times for a letter explaining the records no longer exist. Most court clerks do not comply with that request unless a more experienced legal representative contacts them. This is all a waste of time and resources for irrelevant traffic tickets.

We have a few other additional suggestions for improving the N-400 including:

9. Required evidence: The instructions should be amended to make it as easy as possible to file the N400, especially if pro se, by specifying what documents can be brought to the interview versus those required at time of filing. For clinics like ours that are one day, we prefer to give clients a list of what to do next and what to bring to the interview. Especially with long processing times, things can change so that some items are better brought to the interview than submitting in advance.

10. Addenda: Please add addenda sheets at the end of the N400. Because the current N400 lacks addenda pages that other form types have, we must prepare separate addenda sheets from scratch for each client needing one. This extra work is time consuming for our staff and volunteers.

D. **Minimize the burden of the collection of information on those who are to respond by keeping paper filing options for those without access to technology, and by including fee waiver and reduced fee forms for electronic filing.**

We have a few suggestions regarding the collection of information as USCIS transforms to more e-filing of N400s, which we understand is being promoted by the agency. First, many of our clients only have cell phones if they have electronics at all. The e-filing system is not easy to use with a phone, and we cannot use it at all if the fee waiver I912 and reduced fee I942 forms are not part of the system. Therefore, all of our clinics are paper based. While USCIS encourages e-filing, we request that you continue to allow paper filing as digital equity is non-existent. Our applicants live all over the state of Washington with inequitable access to internet or computers, especially in rural and low-income areas. In addition, many of our clients are elderly who struggle with new technology.

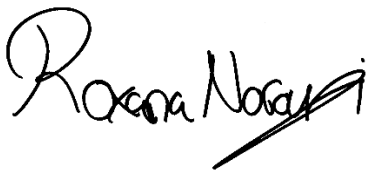
We have had some clients use CitizenshipWorks, and for those clients, it would be helpful if USCIS and CitizenshipWorks can agree to an integration so that we can help our clients with review their electronic applications and then they can file them on their own online directly from CitizenshipWorks to USCIS. Right now, the USCIS e-filing system is not set up for our type of assistance. In the future, we may want to e-file for our clients without having to provide a G28. The current system is cumbersome for our service model.

We also suggest that USCIS engages with nonprofits like ours that provide one-day free clinics where clients file pro se so that we can discuss the challenges we face with the promotion of e-filing when we currently are not required to file G28s, as we do not represent the clients before the agency or at their interview. We understand there are nine million eligible LPRs nationwide, of which there are approximately 260,000 LPRs in our state of Washington. So that we can help more people, we need shorter and simpler N400s, and we all need to operate more efficiently, including USCIS. But the challenges we face with e-filing are unique to our service model. There are many similar organizations around the country. We should work together to make this process more efficient for everyone and accessible to LPRs. We look forward to engaging with you soon.

III. Conclusion

If you require further information, please do not hesitate to contact Bonnie Stern Wasser, Staff Attorney at OneAmerica, bonnie@weareoneamerica.org. Thank you for the opportunity to submit comments on the proposed extension.

Sincerely,

A handwritten signature in black ink, appearing to read "Roxana Nourizi", with a long, sweeping horizontal stroke extending to the right.

Roxana Nourizi
Executive Director, OneAmerica