



July 14, 2022

Submitted via Federal eRulemaking 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: USCIS-2008-0025; OMB Control Number 1615-0052; Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for Naturalization

Dear Chief Deshommes:

I write on behalf of the Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA), 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").¹ The notice solicited information on whether the information collected on the N-400 is necessary for adjudication; on the quality and clarity of information collected; and on ways to minimize the burden of information collection.

I. Organization

MIRA is the largest coalition in New England promoting the rights and inclusion of immigrants and refugees. We advance this mission through education and training, leadership development, institutional organizing, strategic communications, policy analysis, and advocacy. We represent more than 1 million immigrants throughout the Commonwealth, and our 140+ organizational members include grassroots community organizations; refugee resettlement agencies; providers of social, legal, and health services; faith-based organizations; and civil and human rights advocates. MIRA is widely respected for our expertise on immigration issues; policy makers at the municipal, state, and federal levels rely on MIRA for our deep knowledge of immigration law and our ability to translate complex immigration policy issues into easily digestible information.

¹ 87 Fed. Reg. 29758 (May 16, 2022), <https://www.federalregister.gov/d/2022-10434>.

MIRA has also had a Citizenship Program for more than a decade, and during that time it has advised thousands of naturalization applicants and submitted more than 2,500 N-400 applications. In addition, MIRA DOJ Accredited Representatives or attorneys have provided technical assistance to dozens of naturalization legal services providers in the state. The comments below draw directly from our experience assisting individuals with the N-400 Form.

II. Improving the N-400 Form Language and Information Collection

MIRA makes the following recommendations aimed at aligning the language utilized and the information requested on the N-400 form with objectives of fair adjudication and minimized burden on both the agency and the applicant. As an overarching recommendation, we urge USCIS to shorten the form. The length of the form, and the amount of time required to complete it, create unnecessary obstacles for lawful permanent residents wishing to apply for citizenship but intimidated by the length and complexity of the application form.

Eliminating questions seeking information unnecessary for adjudication

USCIS states that the N-400, “allows USCIS to fulfill its mission of fairly adjudicating naturalization applications and only naturalizing statutorily eligible individuals.”² In our experience, based on having submitted thousands of N-400 applications over the past decade, the application collects information that is not needed for purposes of fair adjudication of naturalization eligibility. In some cases, this unneeded information can be difficult for the applicant to obtain. This includes:

- Part 10:
 - Question 4G: Information about spouse’s employer
 - Question 7C: Information about spouse’s specific immigration status (beyond identifying whether a US citizen or LPR). Notably, this information is not requested for children listed on the application.
 - More generally, the information requested about prior spouses is overly broad. Many applicants lack information about former spouses (including specific dates of marriage and divorce where applicable). Information about their current spouse’s prior spouses can also be difficult to obtain, especially the prior spouse’s country of citizenship and specific marriage and divorce dates. In addition, information about the applicant’s current or prior marriages are not relevant in situations where the applicant did not receive lawful permanent residence through marriage.
- Part 12:
 - Question 5: This question is irrelevant to the applicant’s eligibility for naturalization and may simply have the effect of discouraging eligible applicants who may have a history of mental health conditions. If an applicant requires a waiver of the oath, such request will be made separately.
 - Question 13: This question is inapplicable to the vast majority of applicants. As is done in other parts of the form, where responses are only required if you

² Notice at 29758.

- answered “yes” to a preliminary question, this section could be streamlined by first asking if the applicant was alive during the relevant time period.
- Questions 37: As is done in other parts of the form, where responses are only required if you answered “yes” to a preliminary question, questions 38, 39, and 43 should only be required if question 37 (Have you EVER served in the U.S. armed forces?) is answered “yes.”

Providing clarifying guidance

The N-400 Form could be significantly improved with several clarifications to commonly raised questions.

- Clarifying that early applicants (those applying in the 90 day period leading up to the relevant 5 or 3 year period) can properly check off boxes A or B in Part 1, Question 1.
- Clarifying that only 3 years of residency, employment, and travel history are required for applicants submitting an application based on option B under Part 1, Question 1 (living in marital union with a US citizen spouse).
- Clarifying in Part 12, Question 14 that applicants can mark “no” if they have been a victim of a named activity.

Simplifying the language used in the form

The terminology and phrases used in the N-400 Form do not accurately reflect the level of basic English proficiency that is required for naturalization eligibility. The USCIS Policy Manual states that a naturalization applicant must demonstrate a basic knowledge of English including an “ability to read, write, and speak words in ordinary usage.”³ The terminology in the N-400 form strays far from “words in ordinary usage.” Many of the terms used in Part 12 appear to fall into this category. The form should be revised in its entirety to ensure that it is written in plain language, or that plain language alternative terms are provided (as is currently done in Part 12, Questions 15, 16, and 20).

Making online filing more accessible

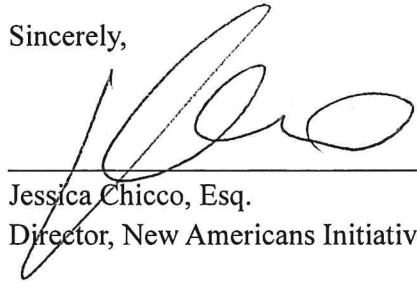
Currently, only individuals paying the application fee are able to submit the naturalization application online. Allowing the application for a fee waiver (Form I-912) or reduced fee (Form I-942) to be submitted online along with the N-400 form would enable many more applicants to file online. This would significantly streamline the process and greatly reduce administrative burdens on USCIS and contracting staff.

³ USCIS Policy Manual, Volume 12, Part E, Chapter 1, available at <https://www.uscis.gov/policy-manual/volume-12-part-e-chapter-1>.

III. Conclusion

If you require further information, please do not hesitate to contact Jessica Chicco, Director of New Americans Initiatives, at jchicco@miracoalition.org. Thank you for the opportunity to submit comments on the proposed extension.

Sincerely,



Jessica Chicco, Esq.
Director, New Americans Initiatives