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July 15, 2022

Submitted via Federal eRulemaking Portal

Ms. 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:

On behalf of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, we write to provide comments in response to the 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

NALEO Educational Fund is the nation's leading nonprofit organization that facilitates the full participation of Latinos in the American political process, from citizenship to public service. Our Board members and constituency encompass the nation's more than 7,000 Latino elected and appointed officials and include Republicans, Democrats, and Independents. Recognized nationally as a civic engagement pioneer with more than 30 years of experience, NALEO Educational Fund and its partners have guided more than 200,000 eligible lawful permanent residents (LPRs) through the naturalization process. We have also translated our expertise into proven capacity-building efforts among local community-based organizations. In addition, we coordinate the Naturalization Working Group (NWG), a coalition of national and local advocates and service providers that have significant experience in promoting U.S. citizenship and assisting newcomers with the naturalization process, including immigrants serving in the military.

II. Comments

A. Reduce the Length and Complexity of Form N-400

NALEO Educational Fund continues to be concerned that the form's length creates an undue burden for applicants, intimidating and discouraging applicants from pursuing U.S. citizenship. Additionally, because

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 review the linked material in its entirety and consider it part of the record.

community non-profit organizations often provide services through group naturalization workshops, the length of the form slows the pace of an application assistance model which has proved to be extremely effective in providing quality and efficient customer service to thousands of applicants nationwide. Form N-400 and its Instructions could be shortened without impeding USCIS' ability to adjudicate an application by:

- Requesting "Primary" and "Secondary" telephone numbers rather than "Daytime," "Evening," "Work," and "Mobile" numbers in Part 4, because the former inquiries better reflect contemporary practices. Applicants should be asked to specify whether the primary and secondary numbers they provide are for home, work, or mobile phones;
- Condensing boxes in Part 5, because "Province or Region (foreign address only)" and "Postal Code (foreign address only)" are relatively infrequently needed in this section and could be combined with "County" and "ZIP Code" boxes. Similar adjustments might also save space on the print Form in Parts 8 and 11;
- Eliminating Questions 1 and 2 in Part 9, because the answers to Questions 1 and 2 are duplicative of answers to Question 3;
- Combining and shortening Questions 5 and 6 in Part 10, because the necessary information can be collected using fewer checkboxes;
- Adding a qualifying statement or filter to Question 13 in Part 12 as appropriate and technically feasible, because this question, while based on statutory bars to naturalization, is relevant in a very infinitesimal and declining number of cases. The online application form could be programmed to ask the question only of applicants who were born on or before May 8, 1945. For example, the print Form N-400 could read, "If you were born before May 8, 1945 you must answer the following question: Between March 23..."; and
- Combining or eliminating Questions 33–36 in Part 12, because USCIS officers will already obtain information about an applicant's prior immigration status adjudication history in the course of reviewing each application, regardless of the applicant's responses to these questions.

If the foregoing revisions sufficiently reduce the length of Form N-400 and spaces for additional answers can be added without adding a significant number of pages, we would advocate inclusion of more spaces for listing children in Part 11, and additional required information in Part 12.

B. Revise Terminology Likely to Confuse Certain Applicants

NALEO Educational Fund remains concerned that some applicants who possess low or basic levels of English proficiency (LEP) continue to have difficulty understanding the phrasing and terminology used, and following the directions provided, in portions of Form N-400 and Instructions. Misunderstandings lead to erroneous responses that unnecessarily delay or prevent the naturalization of qualified applicants. We recommend that you consider simplifying the Form and Instructions by:

- Clarifying, in the section on Early Filing on page 4 of the Instructions, how USCIS handles applications filed early and whether or not early applicants may be called for appointments and interviews before they attain the required periods of LPR status and continuous residence in the United States;
- Clarifying the two different purposes served by Questions 12 and 13 in Part 2 and the questions in Part 3 by adding and altering headings. For example, labeling Questions 12 and 13 in Part 2 as "Part 3. Exemptions from English and Civics Tests," and making Part 3 "Part 4. Assistance You Need When You Come to Our Offices.";

- In order to identify LEP applicants who require in-person interpretation, USCIS should ask, perhaps as Question 2 in what we suggest calling "Part 4. Assistance You Need When You Come to Our Offices": "2. Do you need an interpreter for your interview in English with a USCIS Officer? If yes, what languages do you speak and understand fluently?" Accompanying Instructions should tell applicants about any potential limitations on the provision of interpretation, and about the specific qualifications interpreters chosen by applicants themselves should possess;
- Reinserting "I use a wheelchair or other device that assists with mobility." as a possible answer to Question 1 in proposed Part 3, particularly since the Instructions suggest providing this information where applicable in response to Question 1C in Part 3. We note that the possibility of indicating that an applicant needs a wheelchair is provided in the parenthetical in the current response to Question 1(c), but a more affirmative statement about applicants' needs would be useful;
- Reversing the order of Questions 8 and 9 in Part 10 about current spouse's former spouses and applicant's former spouses;
- Providing parenthetical, plain-language definitions of advanced terms employed in Part 12 and elsewhere. Words and phrases that may be misunderstood or not understood at all by certain applicants include "legally incompetent" (Question 5), terms referring specifically to World War II-era military and government institutions (Question 13C), "Genocide" (Question 14A), "cited" (Question 23), "suspended sentence," "probation," and "paroled" (Question 27), "procured" (Question 30B), "removal," "excluded," "exclusion," and "rescission" as legal terms of art (Questions 33–36), "court-martialed" (Question 39), and "stateless" on Page 5 of the Instructions;
- Rephrasing Questions 7A and 7B in Part 12 to reduce their over inclusivity and complexity: for example, both could be consolidated as, "Have you ever failed to file a Federal, state, or local tax return for any year during which you were a United States resident and earned income?";
- Reworking Questions 37–39 and 43 in Part 12 into a format that more closely resembles the easily-understood format of Question 27 and 28 in Part 12. The inquiries in Questions 38, 39, and 43 should become Questions 37B, 37C, 37D, 37E, and 37F, because they need only be answered by applicants who answer "yes" to the current Question 37. Question 37 should become Question 37A, and be followed by the instruction, "If you answered "Yes," you must also answer Questions 37B-37F;"
- Clarifying explicitly, at the beginning of Parts 14 and 15 on the print Form, that both are to be completed only as needed and not by every applicant: for example, the phrase immediately below the "Part 14" heading might say, "Provide the following information only if an Interpreter helped you complete this form," and the phrase below the "Part 15" heading might similarly say, "Provide the following information only if someone helped you prepare and write your answers to the questions on this Form;" and
- Updating Form M-476, A Guide to Naturalization, as appropriate to reflect adopted changes, and examining the feasibility of making this important document available online in multiple languages. In this connection, we would note that the webpage that mentions the availability of the Form M-476 indicates that the page is out-of-date: <https://www.uscis.gov/citizenship/learn-about-citizenship/citizenship-and-naturalization/a-guide-to-naturalization>. We encourage USCIS to update this page as soon as feasibly possible after revisions to the Guide are made.

C. Harmonize the Print and Online versions of Form N-400; Provide On-line Fee Waiver Applications

We applaud the expansion of tools available to eligible LPRs working through the naturalization application process to include online application materials, and would like to draw the agency's attention to positive

features unique to either the proposed print or online version of the Form N-400 that should be incorporated into both formats:

- The purpose and order of “Steps” in the online application process are easily understandable and superior to the order of sections in the print version of the Form N-400. We advocate more uniform adherence to the order in which questions are asked of individuals applying online. For example, this would result in moving Parts 9 and 10 and Questions 37, 38, and 44 in Part 12 of the print Form N-400 to earlier pages, and moving Questions 4, 12, and 13 in Part 2 and Part 3 to later pages, among other adjustments;
- There is no limitation on who may use print application materials, and we advocate explicitly adopting the same practice with respect to the online application, including with respect to applicants who wish to submit supporting documentation at the time of their interview instead of at the time of filing of the Form N-400;
- If the online version of the Form N-400 does not already do so, it should incorporate a short statement about the availability of fee waivers prior to collecting payment from applicants, and should direct interested applicants to more information about qualifications and submitting requests for fee waivers. In this connection, we also urge USCIS to make on-line versions of the Forms I-912 and I-942 available to applicants as soon as possible. Because applicants who wish to obtain a fee waiver or reduced fee can only do so by submitting paper forms, they cannot submit their accompanying Form N-400 on-line. Thus, for these applicants, USCIS does not realize the efficiencies that on-line filing provides the agency; and
- The “Step 4: Evidence for your application” section of the online Form N-400 appears to be a very helpful and user-friendly summary of documents required to be submitted with the Form N-400. Print Instructions should emphasize, as the online checklist of evidence appears to do, that documents that explain “Yes” answers to Questions 1–43 in Part 12 or other issues related to good moral character should be sent to USCIS along with the Form N-400, and that failure to do so may result in delayed processing of the application. We also recommend drawing attention to the helpful lists of required evidence in the print Instructions by adding a separate major heading before the list of evidence to bring to an interview at the bottom of page 11, and by separately publishing these two lists and providing direct links to them on USCIS’s main website for the N-400 (<http://www.uscis.gov/n-400>).

D. Respect Applicants’ Privacy by Limiting Inquiries and Disclosures to Information Necessary to Adjudicate the Application for Naturalization

We encourage USCIS to critically re-examine the necessity of the following areas of questioning and required disclosures, many of which concern information that qualified applicants either do not possess, or will choose not to disclose to the detriment of their ability to naturalize:

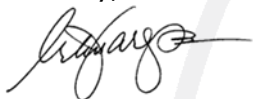
- Part 6: Information about an applicant’s parents is not relevant to determining eligibility for naturalization unless the applicant is entitled to derivative citizenship, in which case the applicant should file Form N-600 or Form N-600K instead of Form N-400. This information need not be uniformly collected – applicants should merely be reminded, as they already are in other materials, that they may be derivative citizens if they have a parent who is a United States citizen and directed to additional information.
- Part 7, Question 4: An applicant’s weight is a characteristic subject to change at any time, and knowing it does not seem necessary or useful for the stated purpose of conducting background checks.
- Part 10, Question 4G: Information about the employer of an applicant’s spouse is not relevant to determining the applicant’s eligibility for naturalization.

- Part 10, Question 7C: We strongly recommend eliminating the direction “(Explain)” and box for a detailed answer following “Other,” because detailed information about the immigration status of an applicant’s spouse is not relevant to determining the applicant’s eligibility for naturalization. No more information need be provided by applicants about their non-citizen spouses than need be provided about their non-citizen children, and the Form N-400 rightly does not request unnecessary information about applicants’ children’s nationality and immigration status in Part 11.
- Part 10, Questions 8B–E and 9B–E: In our experience, many applicants lack such detailed information about their former spouses and particularly about their current spouse’s former spouses. These categories of information should not be necessary to prove or enable USCIS to confirm that prior marriages have legally ended.
- Part 12, Questions 22–24: Conduct that is the subject of an arrest or charge should not be held against a person who is not convicted of that charge, and to ask naturalization applicants to disclose interactions that did not lead to conviction is unnecessarily prejudicial to an adjudicator’s impression of an applicant’s character. Adjudicators must, of course, know whether or not the applicant has broken the law and not been convicted, but that question can be asked in a more direct and comprehensive way than it is currently, by condensing Questions 22–24 into, “Have you ever committed, assisted in committing, or attempted to commit, a crime or offense for which you were not convicted?” and continuing directly to Question 25.

III. Conclusion

If you require further information, please do not hesitate to contact Rosalind Gold, Chief Public Policy Officer at rgold@naleo.org. Thank you for the opportunity to submit comments on the proposed extension.

Sincerely,



Arturo Vargas
Chief Executive Officer

NALEO
Educational Fund