



July 15, 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 Asian Americans Advancing Justice – Los Angeles (“Advancing Justice – LA”) 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”).

I. Organization

Asian Americans Advancing Justice – Los Angeles is the nation’s largest legal organization for Asian Americans, Native Hawaiians and Pacific Islanders (AANHPIs). Founded in 1983, Advancing Justice – LA has served the community for 36 years; assisting more than 15,000 individuals and organizations every year. Citizenship has been a cornerstone of our immigration direct services for more than three decades. As a leading organization serving primarily AANHPI communities, we engage in collaborative naturalization work with 120 organizations and across 20 cities nationally. Among these organizations, Advancing Justice – LA provides training and technical assistance support to more than 40 AANHPI organizations, providing capacity building and support to help sustain naturalization programs across multiple states and cities. As a result of this extensive national network, Advancing Justice – LA is committed to improving the naturalization process so that it is accessible and available to all people.

II. Comment

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

As a leading organization offering naturalization assistance to thousands of lawful permanent residents each year, Advancing Justice – LA has extensive experience with Form N-400 and has identified many

ways Form N-400 can be improved. Specifically, the Form could be revised without impeding USCIS' ability to adjudicate an application by clarifying the following questions:

- Part 1.
 - Box E. "Other" should include a selection for domestic violence survivors who are eligible to naturalize under INA 319(a), INA 240A(b)(2)(A)(i)(I), and INA 216(c)(4)(C).
- Part 2
 - #4: Clarify that name changes may be unavailable in certain CIS districts/field offices
 - #7: Gender should include non-binary option(s)
 - #13.A, B, and C: Simplify wording on language waiver
- Part 6
 - #1: 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 derive citizenship if they have a parent who is a United States citizen and meet certain requirements for derivation.
- Part 7
 - #6: Clarify hair color (specify "natural")
- Part 9
 - #1: N-400 should be able to automatically calculate total days based on "Total Days Outside US" from #3.
 - #3: N-400 should be able to automatically calculate "Total Days Outside US" upon entering departure and return dates. For a trip that ends within the 5-year statutory period but begins before then, the N-400 should be able to automatically determine the portion of that trip that lies within the statutory period and calculate "Total Days Outside US" accordingly.
- Part 10
 - #4.F: Add "Same address as me" option
 - #4.G: No need for this question
 - #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 13
 - #1.B: Change to "I do not read or understand English perfectly. The interpreter named in Part 14 read to me the application instructions and questions that I did not understand and all my answers in _____, a language in which I am fluent, and I understood everything."
- Part 14
 - Certification: Change to "I am fluent in English and _____, which is the same language specified in Part 13, Item B, in Item Number 1, and I have read to this applicant in the identified language those application instructions and questions they did not understand and their answers to every question."

b. **USCIS misjudges the average length of time it takes to complete an N-400 among legal services providers due to continuing and permanent changes to service delivery due to the COVID-19 pandemic.**

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. Additionally, USCIS estimates it will take respondents 1.17 hours to complete the biometrics application.

The COVID-19 pandemic has fundamentally changed direct legal services. While cities and counties have reopened to some extent, virtual or remote services will remain an option for most legal services providers at non-profit organizations. For this reason, the amount of time it takes to actually complete a paper application to be ready for mailing to USCIS is much longer than 9.17 hours if you include the additional time it takes to obtain signatures, gather supporting documentation, and prepare it for mailing to USCIS. Services that would typically take 1 day through in-person assistance can be extended to 2-4 weeks due to administrative delays and technological barriers. Because Advancing Justice – LA serves a large elderly population (ages 55 and up), many do not use e-mail that would enable us to submit their applications electronically unless they were to physically obtain assistance in-person at our office. For these reasons, simplification and clarification of Form N-400 would improve the time it takes for non-profit legal services providers to complete assistance and any reduction in length of the Form would have significant impact. Additional suggested revisions, standardizations, or deletions include:

- Using a formatted sheet with the N-400 for response continuations, explanations, etc. similar to other USCIS forms that have additional pages for further explanation. This sheet should be pre-populated with the applicant's name and A-number.
- Part 8
 - “Your Occupation”: Remove pick list as very few of the options are accurate or specific enough to be helpful
- Part 12
 - #5: No need for this question
 - #7.A: Add language that asks whether applicants have ever not filed a **required** Federal tax return. Many applicants have to technically answer “Yes” to this question if they have not filed at any time since they became a lawful permanent residence, even though they are retired, did not earn enough income, are a student, or other valid situation where tax filing was NOT required.
 - #7.B: Change “non-U.S. resident” to “non-permanent resident”
 - #8: Change “non-U.S. resident” to “non-permanent resident”
 - #22-29: 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 applicants to disclose interactions that did not lead to conviction is unnecessarily prejudicial to an adjudicator's impression of an applicant's character. Adjudications must know whether or not an 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, but condensing #22-24 into, “Have you ever committed, assisted in committing, or attempted to commit, a crime or offense for which you were not convicted?”.

Ms. Samantha Deshommes

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- #23: Should state clearly that citations INCLUDE traffic tickets for moving violations if USCIS intends for this question to include moving traffic violations. Inconsistent guidance from USCIS Field Offices on the interpretation of this question varies and form instructions should be clarified about whether such question should or should not cover common situations such as traffic violations or further define which ones should be included (e.g. if the fine for said violation exceeds \$1,000, or other definition, etc.).
- #23: Additionally, instructions should state that juvenile incidents and proceedings should be excluded because they are not considered “convictions” and do not impact one’s eligibility for naturalization.

III. Conclusion

If you require further information, please do not hesitate to contact me at cchen@advancingjustice-la.org. Thank you for the opportunity to submit comments on the proposed extension.

Sincerely,



Christine Chen, Esq.

Citizenship Project Director

Asian Americans Advancing Justice – LA