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August 12, 2022

Samantha Deshommès
Chief, Regulatory Coordinator
Division Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

Re: Comment in Response to the DHS/USCIS Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for Citizenship and Issuance of Certificate Under Section 322; Docket No. USCIS-2007-0019; OMB Control Number 1615-0087

Dear Chief Deshommès,

The Immigrant Legal Resource Center (ILRC) submits the following comment in response to the Department of Homeland Security's (DHS) Agency Information Collection; Extension Without Change, of a Currently Approved Collection: Application for Citizenship and Issuance of Certificate Under Section 322, published on August 4, 2022.

The ILRC is a national non-profit organization that provides legal trainings, educational materials, and advocacy to advance immigrant rights. The ILRC's mission is to work with and educate immigrants, community organizations, and the legal sector to continue to build a democratic society that values diversity and the rights of all people. Since its inception in 1979, the ILRC has provided technical assistance on hundreds of thousands of immigration law issues, trained thousands of advocates, and pro bono attorneys annually on immigration law, distributed thousands of practitioner guides, provided expertise to immigrant-led advocacy efforts across the country, and supported hundreds of immigration legal non-profit organizations in building their capacity.

The ILRC also leads the New Americans Campaign, a national non-partisan effort that brings together private philanthropic funders, leading national immigration and service organizations, and over two hundred local services providers across more than 20 different regions to help prospective Americans apply for U.S. citizenship. Through our extensive networks with service providers, immigration practitioners, and naturalization applicants, we have developed a profound understanding of the barriers faced by low-income individuals seeking to obtain immigration benefits. As such, we welcome the opportunity to provide comments on the Form N-600K, Application for Citizenship and Issuance of Certificate Under Section 322.

We urge USCIS to give immediate priority to § 322 applications for children approaching their eighteenth birthdays and revise Part 2 of the N-600K and instructions to indicate a prioritization of applications where the child will soon turn eighteen. An applicant for § 322 citizenship must become eligible and complete the entire process before they turn eighteen years old and before

their lawful status in the United States expires. This means that they must be admitted to citizenship before their eighteenth birthday and before their visa expires.

Given the current USCIS backlogs, N-600K applicants about to turn eighteen will be unfairly disadvantaged if their cases are not prioritized. For example, the current processing time for an N-600K at the Washington D.C. Field Office is 22.5 months.¹ Without prioritization, applications filed at the Washington D.C. Field Office for children sixteen and older would not be adjudicated in time and those applicants would lose their eligibility.

USCIS should revise the N-600K to include a checkbox or additional question by which an applicant can highlight that the child they are applying for will turn eighteen years old within a year. This capability should be extended to forms filed online as well but, in the alternative, USCIS could establish an electronic mechanism that automatically flags an application based on the child's date of birth.

Further, USCIS should update the Policy Manual at 12 USCIS-PM H to include language prioritizing these applications. Previous guidance by the Immigration and Naturalization Services (INS) instructed local USCIS offices that immediate priority should be given to § 322 applications for children approaching their eighteenth birthdays.² We encourage USCIS to add similar language in USCIS Policy Manual in Volume 12, Part H, Chapter 5.³

*H. Citizenship Interview and Waiver In general, an applicant must appear in person for an interview before a USCIS officer after filing an Application for Citizenship and Issuance of Certificate Under Section 322 (Form N600K). This includes the U.S. citizen parent or parents if the application is filed on behalf of a child under 18 years of age.[22] USCIS, however, waives the interview requirement if all the required documentation necessary to establish the applicant's eligibility is already included in USCIS administrative records or if any of the following documentation is submitted along with the application.[23] Adjudicators should give immediate priority to § 322 applications for children approaching their eighteenth birthdays.*⁴

Finally, USCIS should revise its materials to clarify who may submit the application. For example, the USCIS N-600K webpage states: "Children who regularly reside outside the United States may use Form N-600K to apply for citizenship based on a U.S. citizen parent."⁴ However, the statement at the beginning of the form before Part 1 currently reads "NOTE: The applicant on this form is the child's parent, grandparent, or legal guardian." The website should be revised to clarify that the child cannot file the application. Similarly, Part 8 of the N-600K should clarify that the applicant is the child's parent, grandparent, or legal guardian. The form itself should also include more information either before or contained in Part 1 mirroring the explanation in the form instructions on who is eligible to file Form N-600K.

Thank you for the opportunity to submit comments on Form N-600K. Please do not hesitate to contact us to provide further information.

¹ Information accessed June 28, 2022, at <https://egov.uscis.gov/processing-times/>.

² See INS, Expedited Naturalization Procedures for Certain Children Pursuant to Revised Section 322 of INA (July 7, 1995).

³ ILRC recommended this language as part of its USCIS Policy Manual suggestions. For the complete list, see <https://www.ilrc.org/ilrc-uscis-policy-manual-suggestions>.

⁴ 12 USCIS-PM H.5(h)

Respectfully submitted,
/s/Elizabeth Taufa
Elizabeth Taufa
Policy Attorney and Strategist