



BakerRipley
Community Developers

Immigration & Citizenship Program

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:

We write on behalf of BakerRipley's Immigration and Citizenship Program, 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").

I. Organization

BakerRipley is nationally recognized for its unique model of community development that harnesses the existing strengths of a community. Our efforts reflect the voices of our neighbors and help address critical needs. Each year, we bring resources, education and connection to nearly 600,000 children, youth, adults and seniors.

Grounded in our Houston Settlement Movement roots, we continue to elevate the voices of immigrants across the Houston region. Our high-quality Immigration and Citizenship work ensures the removal of barriers to equitable access to legal stability for immigrants. The BakerRipley Immigration and Citizenship Program is located at three geographically and demographically diverse regions of Houston – Gulfton, East End, and Pasadena. These offices serve the Greater Houston region but have deep roots in each distinct community. Since 2008, BakerRipley has provided naturalization application services through direct legal representation and large-scale application assistance workshops under the guidance of attorneys and/or DOJ representatives. During this time, 23,000+ individuals have attended our citizenship events, and BakerRipley has helped screen 5,800+ LPRs for naturalization. Due to this, it is important for us to comment regarding proposed changes to the N-400, Application for Naturalization. The changes could potentially create an easier path for our community or in turn create additional barriers to the naturalization process.

II. Comment

- A. Evaluate whether the N-400 is necessary for the proper performance of the functions of the agency, including whether the information will have 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.”

Based on our experience with the lengthy process of completing the N400 application, we propose that the application be reduced in length and the usage of simplified terminology be adapted among the questions. This would allow for better community understanding of what is being asked and reduce the level of intimidation that applicants encounter. This hinders the applicant's ability to complete the application on their own, and it further encumbers non-profit legal services providers who are already overwhelmed with high community needs.

Modifications to the language and terminology used in complex legal questions such as, Part 12, Question 5, “Have you EVER been declared legally incompetent or been confined to a mental institution?” or Part 12, Question 8, Page 12, “Have you called yourself a ‘non- U.S. resident’ on a Federal, state, or local tax return since you became a lawful permanent resident?”, are a few examples of items that most frequently require further explanation for applicants. This creates additional barriers for applicants who do not have the means for legal counsel and do not have access to pro bono legal services in their region.

In addition to more accessible terminology, there are many questions that are lengthy and confusing, such as, Part 12, Question 23, Page 14, “Have you EVER been arrested, cited, or detained by any law enforcement officer (including any immigration official or any official of the U.S. armed forces) for any reason?”. Questions such as these create confusion and often require additional resources to determine if an applicant falls into any of the three categories posed within the question. Ultimately, this presents unnecessary strain for both the applicant and pro bono service providers. By separating the question of citation, it can elicit more accurate responses from applicants regarding past citations.

- B. Evaluate the accuracy of the agency's estimate of the burden of the N-400, 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. Additionally, USCIS estimates it will take respondents 1.17 hours to complete the biometrics application.



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The BakerRipley Immigration and Citizenship Program provides naturalization services through direct legal representation using both paper and electronic methods, and large scale *pro se* Naturalization Forums. It has been our experience that utilizing the paper version has been the most accessible to our community. This is based on the need for I-912, Request for Fee Waiver and the I-942, Request for Fee Reduction, both which are not currently available via the USCIS online portal. The N-400, Naturalization application is currently 20 pages in addition to the 11 page fee waiver that can easily average anywhere between 6 to 9 hours of work, per applicant.

The updates to the USCIS online application tools have been beneficial and a step in the right direction. However, there is a need for digital literacy support along with an online fee waiver options. The lack of which presents barriers for online users. This has been a tool that is most accessible for individuals who are able to navigate technology, upload required documents, and have access to a credit card to pay online filing fees. Legal service providers estimate an average of 5 hours for direct legal representation for online filing.

C. Enhance the quality, utility, and clarity of the information to be collected.

BakerRipley's Immigration and Citizenship Program is in favor of revisions to the N-400 application that will make the application process easier and accessible to those seeking Naturalization. We are proposing the following revisions and recommendations:

Part 12 Question 1, Page 11 "Have you ever claimed to be a U.S. citizen in writing or any other way?", recommended revision: Have you ever stated that you were a U. S. Citizen in writing or in any other way in the past?

Part 12, Question 4.a., Page 11 "Do you now have, or did you EVER have, a hereditary title or an order of nobility in any foreign country?" recommended revision: Our recommendation is that the question be rephrased and moved to the last portion of the application. Rewording suggestion is to include whether the individual is willing to give up any inherited titles or orders of nobility that they have in a foreign country during their naturalization ceremony.

Part 12, Question 13, Page 12, "Between March 23, 1933 and May 8, 1945 did you work for or associate in any way (either directly or indirectly) with:" We suggest this question be reworded to apply to individuals who were born before May 8, 1945. Otherwise, skip the section.

Part 12, Question 23, Page 14, "Have you EVER been arrested, cited, or detained by any law enforcement officer (including any immigration official or any official of the U.S. armed forces) for any reason?" It would be beneficial to separate the question of "citation" for online purposes and to provide the applicant an opportunity to submit proper evidence to support the question. In both the paper and electronic version, we would recommend that this question allow for applicants to select yes or no for each and skip questions that are not applicable to their case. This would reduce the amount of time spent on each question.



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Part 12, Question 48, Page 16, "If the law requires it, are you willing to bear arms on behalf of the United States?" The terminology used in this question is confusing to applicants. It would be beneficial to revise "bear arms" to "fight and defend the United States."

- D. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

As previously noted, utilizing online tools and platforms would be more accessible if there was an option to file the N400 in conjunction with the I-912 Request for Fee Waiver or I-942 Request for Reduction online. Additionally, the USCIS online account can be enhanced when evidence is requested and responded to via the online portal with the ability to receive immediate notification when the evidence is received and reviewed.

III. Conclusion

We urge USCIS to consider revisions to the current N-400 application. In doing so, USCIS would usher in the return of a more simplified form that is easy to use and accessible for applicants utilizing both paper and online versions.

If you require further information, please do not hesitate to contact Angie Dupree, DOJ Accredited Representative at adupree@bakerripley.org; Crystal Gonzalez, Manager of Citizenship Services at cygonzalez@bakerripley.org; Josephine Sorgwe, Managing Attorney at jsorgwe@bakerripley.org; Monica Holtkamp, Sr. Manager of Immigration and Citizenship Program at mholtkamp@bakerripley.org. Thank you for the opportunity to submit comments on the proposed extension.

Sincerely,

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