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November 15, 2023

Samantha Deshommes  
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;  
Revision 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 Deshommes,

The Immigrant Legal Resource Center (ILRC) submits the following comment in response to the Department of Homeland Security's (DHS) Agency Information Collection; Revision of a Currently Approved Collection: Application for Citizenship and Issuance of Certificate Under Section 322, published on October 17, 2023.

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 Form N-600K, Application for Citizenship and Issuance of Certificate Under Section 322.



First, **we commend the agency for changes to the form that reduce the length and provide clarity.** A reduction in the length of the form is a welcome change that will make the form more user-friendly, particularly for pro se applicants, as well as more efficient for agency adjudicators. Additionally, the inclusion of more explanatory information on the form itself is a welcome change. We have heard reports from practitioners that there has been some confusion as to who must complete this form and the revisions, including the conversion of the list of the eligible applicants to questions to be answered to assess eligibility in Part 1, should provide clarity for applicants.

We also commend the **addition of expanded definitions and information** to ensure that this form can be more easily utilized by all who qualify. Specifically, we commend the agency on:

1. Part 3: The expanded definition of who is a “child” in Part 3 of the form and the instructions, to include children who are not biologically related, but gestationally related. This change encompasses the agency’s updated guidance.<sup>1</sup> and accounts for updates in assistive reproductive technology.
2. Part 4: The new question regarding the qualifications for adoptions that allows for a date range for joint residence, as there may have been multiple periods of joint residence for adopted families.
3. Part 5: The acknowledgement that U.S. citizens parents may have become U.S. citizens in different ways, including through birth in the United States, naturalization, acquisition at birth, or derivation after birth.

The agency is also to be commended for **eliminating questions that are not relevant to adjudication of the form** including the information about the marital and military history of the child’s parents (current Form, Part 3, Question 13-14), biographic and immigration information about the child’s legal guardian (current Form Part 6). We also commend the agency for removing the requirements that applicants provide unnecessary contact information for applicants, interpreters, and preparers.

Similarly, the agency is to be commended for **moving the information about the child’s admission to the United States to the USCIS portion of the form** (proposed Part 15). USCIS officers are better equipped to add this information and this measure will ensure accuracy for that part of the form.

Finally, we heartily welcome the addition of **language indicating that USCIS will try to accommodate the applicant’s date and place of interview request.** By allowing applicants to choose a date range and place for the interview, there is a higher chance that a preferred date will be granted and thus that the whole process can be completed before the applicant ages out. Allowing flexibility in the interview process, and accommodating the applicant’s interview date and location requests, will increase access to citizenship under INA § 322.

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<sup>1</sup>USCIS updated its Policy Manual in August 2021 to account for assistive reproductive technology, saying wedlock is when “the legal parents are married to one another at the time of the child’s birth and at least one of the legal parents has a genetic or gestational relationship to the child.” 12 USCIS-PM H.3(b).

While these changes are commendable, the agency can still improve upon the form and instructions. We include suggestions for updated language that will further streamline and clarify the form and reduce the administrative burden on applicants and adjudicators alike.

1. **USCIS should include on the form a way to alert application processors and adjudicators that the child at issue for the N-600K is about to turn 18 years old such that those applications can be given priority before the child loses eligibility.** Such a change could include a check box on the form in Part 1, Information about the Child's Eligibility, and filing instructions on how to distinguish the application for adjudicators. We note with gratitude that the instructions now include a note that all aspects of the N-600K and related oath must be completed before the child turns 18, however, given the importance of this information to applicants, the form should also include a similar measure. Given the current USCIS backlogs, N-600K applicants about to turn eighteen will be unfairly disadvantaged if their cases are not prioritized. Further, processing times across the board for the form N-600K are inconsistent. The Fiscal Year 2023 USCIS historic case processing time for the N-600K is currently seven months,<sup>2</sup> which is four months longer than the disclaimer on the current and proposed form that indicates the application should be filed at least 90 days before the child's 18th birthday. However, current processing times vary according to USCIS, such that an applicant would potentially need to file the N-600k several years before the child at issue turns 18, depending on the field office..<sup>3</sup>

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.<sup>4</sup> We encourage USCIS to add similar language in USCIS Policy Manual in Volume 12, Part H, Chapter 5:

*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.***

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<sup>2</sup> USCIS, *Historical National Median Processing Time (in Months) for All USCIS Offices for Select Forms By Fiscal Year, Fiscal Year 2018 to 2023 (up to September 30, 2023)*, <https://egov.uscis.gov/processing-times/historic-pt>

<sup>3</sup> On November 2, 2023, the processing times for Form N-600K at various field offices were as follows: Washington, DC, 39 months; San Francisco, CA 22 months; New York City, NY, 48.5 months; Jacksonville, FL, 16 months; Cleveland, OH, 13 months; Boston, MA 17.5 months; El Paso, TX 51.5 months; Oklahoma City, OK 21.5 months, and New Orleans, LA 10 months. See USCIS, *Check Case Processing Times*, visited Nov. 2, 2023, <https://egov.uscis.gov/processing-times/>.

<sup>4</sup> See INS, *Expedited Naturalization Procedures for Certain Children Pursuant to Revised Section 322 of INA* (July 7, 1995).

2. **USCIS should include gender-neutral language on the form and instructions for the child who is the subject of the form.** The proposed form does not include a gender-neutral marker option for the child in Part 3, such as “Another Gender Identity.” Other recent form revisions from USCIS have included a non-binary option, and the proposed N-600K should follow suit. We note that the instructions replace binary options “he or she” with the gender neutral “they” and that the terms “mother” and “father” have been replaced by “parent” and the form should be updated accordingly. USCIS should amend the form to include an option for nonbinary gender identities and should continue this practice in all form revisions in the future.
3. **USCIS should remove redundant information requests regarding adoption information.** The information about the adoption in Part 4 – including the city, state, and country – is unnecessary on the form itself. Applicants have to provide proof of the legal adoption as part of the application, so the information on the form is redundant.
4. The note in Part 7 should be amended to instruct the applicants that they should skip Part 7 if the child’s parent is not deceased.

*If the child’s U.S. citizen parent is deceased and you are the child’s U.S. citizen grandparent or the child’s U.S. citizen legal guardian, provide information about yourself in **Part 7**. If you are the U.S. citizen parent, and you will rely on your U.S. citizen parent’s physical presence in **Part 8**, please provide your U.S. citizen parent’s (the child’s grandparent’s) information in **Part 7**. If neither of these scenarios apply, skip to Part 8.*

5. The new questions included in Part 1 regarding the eligibility of the child **should be condensed to afford clarity for U.S. families stationed abroad.** We acknowledge the agency’s efforts to ensure that only those who are eligible fill out the form and recognize that the aim with these questions is to determine if the child has already derived U.S. citizenship automatically. However, the additional questions may end up confusing applicants rather than clarifying anything. We suggest that the questions be condensed to cover all situations without adding unclear options.
  4. *Is the child a lawful permanent resident?*
  5. *Are either of the child’s parents (or the spouse of either of the child’s parents) currently a member of the U.S. armed forces stationed outside the US or a U.S. government employee stationed outside the U.S.?*
  6. ~~*Does the member of the US armed forces have official orders that authorize the child to accompany and reside with he member of the U.S. armed forces?*~~
  7. ~~*If the child’s U.S. citizen parent is the spouse of the member of the U.S. armed forces, is the U.S. citizen parent authorized to accompany and reside with the U.S. armed forces member as provided by the member’s official orders?*~~
  8. ~~*Are either of the child’s parents (or the spouse of either of the child’s parents) currently a U.S. government employee stationed outside the U.S.?*~~
6. USCIS should amend the language on the proposed instructions on Page 2, Item 1 to ensure that those who acquire citizenship at birth are accounted for, as well as those who may have derived citizenship through “residing permanently” instead of admission as a lawful permanent resident.

Many who acquire U.S. citizenship are not lawful permanent residents as they acquire citizenship at or after birth depending upon the law at the time of their birth. The language should be amended as follows:

*If the child has already acquired citizenship automatically under the INA **through a U.S. citizen parent at birth or after birth**. ~~If the child was admitted to the United States as a lawful permanent resident, they may have already acquired citizenship.~~ See USCIS Policy Manual at [www.uscis.gov/policy-manual/volume-12-part-h](http://www.uscis.gov/policy-manual/volume-12-part-h)*

Again, we commend the agency for the improvements made to the form and encourage further changes to ensure inclusiveness and expediency of processing for children who are close to aging out of eligibility.

Please contact us if there are any questions at [etaufa@ilrc.org](mailto:etaufa@ilrc.org).

Sincerely,  
/s/Elizabeth Taufa  
Elizabeth Taufa  
Policy Attorney and Strategist  
Immigrant Legal Resource Center