

**Comment on N-600 Supporting Statement of January 3, 2012, Revised Form
and Instructions: OMB Control No. 1615-0057 (N-600)**

The USCIS Responses in this Supporting Statement mainly come from the comment found at:

<http://www.regulations.gov/#!documentDetail;D=USCIS-2006-0023-0033>

The USCIS Responses in this Supporting Statement mainly ignore the unmentionable comments found at:

<http://www.regulations.gov/#!documentDetail;D=USCIS-2006-0023-0032> and
<http://www.regulations.gov/#!documentDetail;D=USCIS-2006-0023-0031>

The actual changes made to the revised Form and Form Instructions now posted as of January 4, 2012, show that various points made in the unmentionable comments were, in fact, taken to heart and utilized.

For instance, one of the USCIS Responses is:

USCIS does not solely adjudicate Form N-600 based upon section 320 of the INA. In addition to section 320 of the INA, USCIS adjudicates this form pertaining to other sections including section 309 of the INA. USCIS has received complaints about the legal verbiage in the current N-600. Therefore, USCIS has provided sufficient information in that section to best assist the Applicant.

It is noted that this was in response to comment #9:

One of the commenters would like USCIS to harmonize the language with section 320 of the Immigration and Nationality Act (INA) for clarification.

The above is more responsive to the unmentionable comment that suggested that the **PREVIOUS** *Supporting Statement* (as well as the prior revisions of the form and instructions) were slightly inaccurate. That unmentionable comment included:

- A.1 refers only to INA § 320 as the authority under which a certificate is issued. The correct citation is INA §§ 320 and 341.

- A.6 refers to INA §§ 322 and 341. The correct citations are INA §§ 320 and 341. INA § 322 pertains only to the form N-600K (it previously referred to forms N-600 and N-643 but no longer).

Unfortunately, the same inaccuracies are in the **CURRENT** *Supporting Statement*. While USCIS acknowledges that INA § 320 is not the only applicable section of law, it does not accurately cite to the correct sections and instead continues to cite the same wrong sections in parts of its *Supporting Statement*. By the way, § 341 is a “catch-all” that includes certain “others” directly by specific reference and even more sections *implicitly* even if merely through the section heading: “Certificates of citizenship or U.S. non-citizen national status; procedure”.

To its credit, USCIS has significantly revised and improved the actual form and accompanying instructions on this point and many more.

Elsewhere, USCIS states:

Public Comment #9

A commenter would like to revise the term “Note” which has been changed to “Law in Effect at the Time of Your Birth” in the revised version. The commenter would like USCIS to provide specific reference to previous verbiage in the section 5 and Subsections A and B.

USCIS Response

Upon reviewing the comment, USCIS is confused by the language provided and believes the public would be as well. As stated before, USCIS provided this verbiage due to extensive review by USCIS staff with a specialized knowledge of immigration-related statutes and regulations. USCIS provides the most common points of reference for applicants and encourages potential applicants to contact USCIS directly to provide further assistance should it be needed.

Having consulted the referenced language in the cited comment, I have to agree that it was confusing and am glad that USCIS opted to address the valid point made in another manner.

Instead, USCIS did adopt reasoning from the **OTHER** commenter’s unmentionable comments, this point at issue has been significantly clarified in the revised form instructions. The unmentionable comment stated:

The proposed new form instructions make reference to the “Law In Effect At The Time Of Your Birth” and this is a welcome addition but it is not complete. The alternative legal standard should also be stated as to the “Law In Effect At The Time The Critical Events Giving Rise To Eligibility Occurred” is also applicable to the N-600.

The unmentionable comment also provided specific case citations for these legal standards which are ubiquitous in USCIS Directors’ Decisions and more importantly in AAO Decisions. USCIS has crafted the most recently revised N-600 and accompanying instructions in large part by adopting suggestions from the unmentionable comments.

I am glad that USCIS has crafted better instructions that will help the **citizenship claimants** to best present their requests for *Certificates of Citizenship* even if it has to be disingenuous and ungracious in doing so. The revised form should also help the USCIS Adjudicators make more accurate and timely decisions. That was the other main thrust in submitting the unmentionable comments in the first place.

Thank you for making the form and instruction better.

Joseph P. Whalen
January 4, 2012