CHICAGO-AREA COMMUNITY BASED ORGANIZATIONS

February 19, 2013

VIA E-MAIL: USCISFRComment@uscis.dhs.gov

U.S. Citizenship & Immigration Services
Office of Policy and Strategy
Laura Dawkins, Chief
Regulatory Coordination Division
20 Massachusetts Avenue NW
Washington, DC 20529-2140

Re: Comments on Proposed Revision of Form N-400, Federal Register Vol. 77, No. 245 (December 12, 2012) [OMB Control Number 1615-0052]

Dear Sir or Madam:

We are writing to submit comments for consideration in the agency's development of final revisions to USCIS Form N-400, Application for Naturalization in accordance with 77 Fed. Reg. 245 (December 12, 2012).

Statement of Interest

The undersigned individuals constitute, in part, a collaboration of various Chicago area community-based organizations (CBO) engaged in immigration representation for low-income clientele. The groups represented below often coordinate efforts to determine best practices and ideal models of legal service delivery. Together, we have a great deal of experience assisting applicants in the naturalization context. We are grateful for the opportunity to respond to the proposed form and appreciate the agency's consideration of our feedback.

Comments on the Proposed USCIS Form N-400

Our group takes note that the newly designed N-400 seems designed to elicit necessary information to facilitate efficiency and efficacy in adjudications of the USCIS Form N-400. However, we express deep concern that the length of the form will, in practice, diminish the efficiency and, indeed, the volume of N-400 applications. The naturalization workshop model has been used widely throughout the country as a cost-effective, community enriching program. However, with a form length of over twice that of the existing N-400, it seems the length of the form will serve to deter applications for naturalization, and render the naturalization workshop model impracticable. We would strongly encourage USCIS to eliminate parts of the N-400 that are not universally applicable and carefully consider the arrangement and necessity of the ***11*** newly added pages.

We have fairly limited specific comments on the proposed form. While there are a few amendments worth noting, we again stress that the length of the form simply makes this application unworkable in certain legal service delivery models. The additional time and information solicited will ultimately place an undue burden on non-profit, BIA recognized legal service providers whose operating budgets are already stretched entirely too thin. These costs will have to be offset by the applicants for naturalization as the increased amount of time necessary to complete the application will have to be reflected in the cost of services.

We begin by noting that both the current and proposed USCIS Form N-400, and instructions, request "the past five years" for many sections; for example, residence or employment. Is it possible to stipulate that if an applicant is seeking naturalization through marriage to a U.S. citizen spouse, that the period of consideration can be limited to three years rather than five years? This might help mitigate the length of the form for certain applicants and could be explained in the instructions.

Part 4 sections 1 -3 takes up almost an entire page and requires an applicant to repeat their current address three times in a row. Specifically, Part 4 section 1 asks for the home address; section 2, immediately following, asks for the mailing address (instructions indicate that it must be included even if it is the same as the home address); and section 3 begins residences during the last five years and requires that one begin by listing their current address. This seems overly redundant. Perhaps, where the section begins, the agency can include a space for dates of residence?

Part 8 Question 1 states "[h]ow many total days (24 hours or longer) did you spend outside the United States **since you became a permanent resident? Include military service**." (Emphasis as it appears on the N-400.] This question creates an undue burden on the applicant. This is particularly true for long term residents. It is unclear what legal requirement the question even seeks to determine. The physical presence/continuous residence requirements are determined only within the context of 3 or 5 years depending on whether the applicant qualifies for naturalization pursuant to INA § 316 or INA §319. There is simply no reason to request the total number of days outside of the United States *since becoming a lawful permanent resident*. If the agency wishes to illicit information relating to abandonment of residence, then the agency should create a question that better addresses or reflects that inquiry. The current N-400 asks for all trips and dates corresponding to those trips, perhaps this is a better manner of gauging abandonment. However, soliciting the total number of day outside the US since residency began does not provide information in an illustrative manner.

Part 8 solicits "Information About Your Marital History." The Form now asks for the spouse's current employer. We fail to see why this information is necessary on an N-400. An applicant for naturalization whose spouse is undocumented, for example, may not feel comfortable sharing this information. Indeed, it would seem that this type of investigative inquiry into a naturalization applicant's spouse would serve to deter certain individuals from applying for naturalization. Similarly, where the application asks for "other names used" by the spouse, this seems an unnecessary inquiry that may deter certain individuals from applying for naturalization. While we understand USCIS' concern for the detection of marriage fraud, we ask that this factor be considered alongside possible practical

implications, such as the deterrence of otherwise eligible applicants for naturalization for fear of reprisal against their undocumented spouses.

The newly proposed Form N-400 spends two full pages allowing an applicant to include "Information About Your Children." See Part 10, pages 10 – 12. Given the length of the application, it seems that this type of information might be solicited in a more concise manner. For example, the form allows space for five children, perhaps allowing an addendum makes more sense. While we understand that the information being included is formatted to facilitate electronic input into USCIS database, we again ask CIS to recognize the ease of electronic modification for internal purposes as only one consideration. This needs to be addressed in the context of the burden it creates for practitioners. Finally, we note that the Form specifically requires social security numbers (SSNs) for all children, but then notes "**NOTE: U.S. Social Security Numbers are not required for your U.S. citizen child(ren).**" (Emphasis as it appears in the Form N-400). If SSNs are not required, then they should simply not be solicited. This is extremely confusing, as it seems to ask only for undocumented children's SSNs.

Finally, we would ask USCIS to consider the length and nature of the questions included at Part 11 which employs **over 6 pages** of questions designed to determine deportability. While we understand and deeply respect the importance of the deportability provisions found under the INA at section 237, we believe that properly trained officers should be able to proceed on inquiries, where applicable, during the naturalization interview. We would urge the agency to consider designing fewer questions with proper training for follow up depending on the applicant's response.

We specifically have concerns with regard to a few inquiries under Part 11. For example, Question 9 requires group affiliation, group purpose and dates of group membership. While we understand what the government is trying to solicit in asking this question, we ask the service to bear in mind the burden that this creates for many people who clearly have no ties to a terrorist organization. Many working professionals, for example, belong to multiple legitimate work-related associations. Again, we ask that the government balance their need to investigate legitimate legal considerations with the manner in which this information is elicited on the N-400. We would urge the government to set aside this type of inquiry for the interview itself rather than requiring an additional burden on all applicants for naturalization.

Comments to the Proposed USCIS Form N-400 Instructions

We appreciate USCIS' effort to illustrate the exemptions from the English Language Test. The new instructions clearly spell out the three possible exemptions. However, we note that the Medical Exception from the English Language and/or Civics Test Requirements refers to Item Number 12, whereas on the Form N-400, it appears that it should be referred to as Item Number 11.

We would also suggest that some of the language used in the Instructions can be confusing. For example, at Part 4. Information about your Residence, the instructions explain that "[i]f you do not have a State or Province, enter the name of your city again in that box." It would seem that this information

is designed for individuals applying for naturalization, yet living abroad. However, perhaps that can be clarified as it leaves the reader somewhat confused. Additionally, with regard to the mailing address, we find the requirement to repeat the address, regardless of whether the mailing address is the same as the home address, as a redundancy that seems unnecessary. Again, we realize that many of these new additions are designed to facilitate electronic input into the DHS system, but we request that the government reconsider passing along these burdens to the applicant.

Part 10. Information About Your Children at Part 2 requests information about biological and legally adopted sons and daughters without concern for step-children. On the Form N-400, it refers to current stepchildren. This seems inconsistent and somewhat confusing. Perhaps this has to do with USCIS obligation to note derivation of citizenship for biological and adopted children. However, we find this inconsistency to be confusing and imagine it will be equally confusing for the general public.

Finally, on Page 9 in relation to "Required Evidence," as a general rule, the evidence "required" seems to go beyond the scope of the evidence currently requested pursuant to regulations and/or statutorily required for purposes of naturalization. For example, USCIS "requires" birth certificates for "all biological children you claim or where you are named as the biological parent by court order." Similarly, the following requirement explains "provide a final adoption certificate(s) or decree(s) for all children you have legally adopted." Again, this would seem to be directed at children who appear to derive citizenship through the naturalization process. However, this is an inappropriate venue for evaluating that information. This creates an undue burden for individuals whose children are already U.S. citizens by virtue of their birth in the United States or through their own naturalization. If the information is being solicited to establish the relationship for purposes of an N-600, then the evidence should only be required as a function of the N-600 procedure at that time. It is unclear why an applicant for naturalization is otherwise being asked to demonstrate their legal relationship to their children.

Conclusion

We would again like to express our appreciation for Director Mayorkas' concern for the N-400 adjudication process and consideration of public comment on the revised USCIS Form N-400. However, we would urge the agency to seriously reconsider publishing a 21 page form for naturalization. As the agency supports naturalization workshops through its Citizenship & Integration Grant Program, it would lead to less efficiency and efficacy in the N-400 process, from naturalization legal service models through adjudication.

Best Regards,

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[*] Organizational information is provided for purposes of identification only. These comments do not represent the position of the affiliated organization.

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