



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

June 8, 2015

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

Submitted via www.regulations.gov
Docket ID No. USCIS-2008-0025

Re: OMB Control Number 1615-0052

USCIS 60-Day Notice and Request for Comments: Application for Naturalization, Form N-400; Revision of a Currently Approved Collection

To Whom It May Concern:

The American Immigration Lawyers Association (AILA) submits the following comments in response to the above-referenced 60-Day Notice and request for comments on the proposed changes to Form N-400, Application for Naturalization.¹

AILA is a voluntary bar association of more than 14,000 attorneys and law professors practicing, researching, and teaching in the field of immigration and nationality law. Our mission includes the advancement of the law pertaining to immigration and nationality and the facilitation of justice in the field. AILA members regularly advise and represent businesses, U.S. citizens, lawful permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws. We appreciate the opportunity to comment on this 60-Day Notice and believe that our members' collective expertise and experience makes us particularly well-qualified to offer views that will benefit the public and the government.

General Comments

In our comments on the current version of the form, submitted on February 15, 2013, AILA noted that the proposed changes to the Form N-400 more than double the length of the form – from 10 pages to a daunting 21 pages.² The proposed changes to the N-400 again increase the length of the form – this time from 21 pages to 27 pages. We continue to note that the form's length creates an undue burden for applicants and hinders the pace and efficiency of group

¹ 80 Fed. Reg. 18856 (April 8, 2015).

² AILA/CLINIC Comments on Proposed Changes to Form N-400, AILA Doc. No. 13022047 (dated 2/15/13), available at <http://www.aila.org/infonet/aila-clinic-comments-proposed-changes-n-400>. These 2013 comments are also included as an appendix to this letter.

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naturalization workshops. The form's length also will inevitably lead to longer adjudication times and processing delays. We recommend that USCIS shorten the proposed form to reduce the burden on naturalization applicants and workshop participants.

Additionally, we would like to renew our objections to requests for information that do not affect eligibility for naturalization, highlighted in our February 15, 2013 comments.³ The questions that ask for additional, unnecessary information about the applicant's family members, as well as the expanded questions that are ostensibly related to inadmissibility grounds are overly broad, and should be removed from the form. The 2013 comments are included as an appendix to this letter.

Certifications and Acknowledgements

USCIS continues to expand the number and length of the various certifications and acknowledgements on its forms without adequately explaining their purpose. These certifications and acknowledgements are lengthy and repetitive and contribute to the ballooning size of the forms. In addition, the attestations are confusing to applicants and petitioners, and appear to be overreaching and unnecessary. We ask USCIS to halt the current practice of adding these lengthy certifications and acknowledgements to all new proposed forms and reevaluate their utility. In particular, USCIS should examine whether the intended goals of the certifications can be met with existing regulations or more concise attestations that are less burdensome, easier to understand, and within the scope of USCIS's authority. At a minimum, AILA recommends the following edits.

Page 24, Part 14—Preparer's Certification

AILA remains concerned with the expanded language of the preparer's certification. The proposed language reads:

By my signature, I certify, swear, or affirm, under penalty of perjury, that I prepared this application on behalf of, at the request of, and with the express consent of the applicant. I completed this application based only on responses the applicant provided to me. After completing the application, I reviewed it and all of the applicant's responses with the applicant, who agreed with every answer on the application. If the applicant supplied additional information concerning a question on the application, I recorded it on the application. I have also read the Acknowledgement of Appointment at USCIS Application Support Center to the applicant and the applicant has informed me that he or she understands the ASC Acknowledgement.

This language is repetitive, confusing, and imposes a burdensome and unnecessary process for preparing and reviewing the Form N-400. Preparers are already required, under applicable regulations, to attest to the veracity and truth of what is submitted. Under 8 CFR §103.2(a)(2), “[b]y signing the benefit request, the ... petitioner ... certifies under penalty of perjury that the

³ *Id.*, page 2-5.

benefit request, and all evidence submitted with it, either at the time of filing or thereafter, is true and correct.” Moreover, under 8 CFR §1003.102(j)(1), “[t]he signature of a practitioner on any filing [or] application ... constitutes certification by the signer that the signer has read the filing [or] application ... and that, to the best of the signer’s knowledge, information, and belief, formed after inquiry reasonable under the circumstances, the document is well-grounded in fact” An attorney who engages in frivolous behavior or who knowingly or with reckless disregard makes a false statement of material fact or law is subject to disciplinary sanctions including disbarment or suspension. *See generally* 8 CFR §1003.101–108.

Any concerns about fraud detection and prevention are more than adequately covered in the existing regulations cited above. Moreover, it is beyond the authority of USCIS to stipulate a specific review procedure for attorneys and their clients and require that it be followed. The Preparer’s Certification, therefore, unnecessarily impinges on the rights of applicants and their legal representatives to determine their own legitimate procedures in the preparation of the form. As such, AILA urges USCIS to revise the “Preparer’s Certification” to read as follows:

By my signature, I certify, swear, or affirm, under penalty of perjury, that I prepared this form on behalf of the applicant, or another individual authorized to sign this form pursuant to form instructions. I prepared this form at his or her request, and with his or her express consent, and I understand that the preparation of this form does not grant the petitioner or beneficiary any immigration status or benefit.

Page 21, Part 12 – Applicant’s Certification

This section, allowing USCIS to access “*any and all of my records that USCIS may need,*” is overly broad, and may violate privacy laws. While we agree that USCIS has the authority to obtain records related to the applicant that are maintained by other agencies within the Department of Homeland Security, this statement seems to go beyond the acceptable parameters. We do not believe that the applicant should be compelled to allow USCIS to retrieve non-public information or release the applicant’s information to any branch of the U.S. government, private companies, or the governments of foreign countries. We strongly object to this provision, and ask that it be revised to protect the privacy interests of the applicant.

Page 20, Part 12 - Acknowledgement of Appointment at USCIS Application Support Center (ASC)

The proposed revision on page 20 of the proposed form requires each applicant to confirm that he or she “understands that the purpose of a USCIS ASC appointment is for me to provide my fingerprints, photograph, and/or signature and to *re-verify that all of the information in my application is complete, true, and correct and was provided by me.*” (Emphasis added).

The proposed form also requires applicants to confirm that, in signing the ASC appointment notice at the time of the biometrics appointment, the applicant declares that he or she reviewed and understood the application submitted, filed it willingly, that all submitted supporting

documents are “complete, true, and correct” and that anyone assisting the applicant in preparing the application form “reviewed this Acknowledgment of Appointment at USCIS Application Support Center with [the applicant].”

Applicants who appear at an ASC appointment will not have the Form N-400 with them, nor do we presume the ASC contractor will review the contents of the form with the applicant. Moreover, neither the applicant nor the ASC contractor has the ability or the authority to correct typographical errors on the Form N-400.

Second, there is generally a lapse of at least several weeks between the time of filing the application and the time of the ASC appointment. During this time, the information which was true at the time of filing the form can legitimately change. If USCIS’s intention is to require an applicant to re-affirm that the information in the application *is* true when, in fact, information might have *been* true at the time the application was filed but has since changed (e.g. an address change) the applicant will have difficulty signing the ASC acknowledgement in good faith. Please consider a few of the possible scenarios that could happen, after an applicant files the form with USCIS, thus calling into question the efficacy of this language:

- The applicant or attorney discovered errors on the form after filing and sent in a correction to USCIS.
- The applicant moved since filing the form and filed an AR-11.
- The applicant has traveled internationally since filing Form N-400, rendering the entry/exit dates inaccurate.

In light of these concerns, we respectfully request that DHS remove this requirement that applicants “re-verify” the contents of the application, which is redundant to the attestation made at the time of filing.

Miscellaneous

General

It would be helpful if USCIS specified the technological limitations of the form in the instructions, such as any character number limitations or character type limitations (for examples if hyphens, slashes, apostrophes, ampersands cannot be used in certain places).

Page 4, Part 4, B. Physical Address 2

It is unclear if USCIS is requesting a prior physical address in Part B – as the title “Physical Address” seems to indicate – or whether it is asking for the current mailing address – as the second line stating “Mailing Address (if different from the address above)” seems to indicate. USCIS should clarify what information it is asking for in this section.

Page 9, Part 9, Current Spouse's Current Employer/Company

The proposed N-400 now requests additional detailed information regarding the current spouse's current employer/company. This information in no way relates to the applicant's eligibility for naturalization, and should be removed from the form.

Conclusion

AILA appreciates the opportunity comment on this notice, and we look forward to a continuing dialogue with USCIS on these issues.

Sincerely,

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION

Appendix



February 15, 2013

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

Via e-mail at: USCISFRComment@uscis.dhs.gov

**RE: OMB Control Number 1615-0052, USCIS Docket ID 2008-0025
Revisions to Form N-400, Application for Naturalization**

Dear Sir/Madam:

The American Immigration Lawyers Association (AILA) and the Catholic Legal Immigration Network, Inc. (CLINIC) respectfully submit the following comments regarding proposed changes to the N-400, Application for Naturalization and the accompanying instructions.

Founded in 1946, AILA is a voluntary bar association of more than 12,000 attorneys and law professors practicing, researching and teaching in the field of immigration and nationality law. Our mission includes the advancement of the law pertaining to immigration and nationality and the facilitation of justice in the field. AILA members regularly advise and represent businesses, U.S. citizens, U.S. lawful permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws.

CLINIC supports a national network of community-based legal immigration services programs. The network includes over 210 affiliated immigration programs, operating out of 350 offices in 47 states. CLINIC's network employs roughly 1,200 staff including attorneys and accredited representatives who, in turn, serve over 700,000 low income immigrants each year. Citizenship and integration has been a priority for CLINIC for more than a decade. CLINIC's citizenship

assistance projects have enabled tens of thousands of poor and marginalized immigrants to receive professional assistance in filing their citizenship applications.

Reduce The Burden on Applicants by Shortening the Form

The proposed changes to the Form N-400 more than double the length of the form – from 10 pages to a daunting 21 pages – creating an undue burden for applicants and hindering the pace and efficiency of group naturalization workshops. Additionally, the form's length will inevitably lead to longer adjudication times and processing delays. The increased length is due to a number of additional questions, formatting changes, and the new bar code which appears at the bottom of each page.

We recommend that USCIS shorten the proposed form to reduce the burden on naturalization applicants and workshop participants. One way to do this would be for the agency to develop a generic form that applicants may attach to any application to provide additional information that will not fit on the form. The creation of one attachment form for several applications will not overly burden USCIS, will ensure uniformity in response format for the N-400 and other applications, and will shorten the length of applications. In this case, the N-400 application form could provide two areas to respond to Part 4, question 3 (Where have you lived during the last 5 years); Part 7 (Information About Your Employment and Schools You Attended); and Part 10 (Information About Your Children). Additional information pertaining to these three sections could be listed on the attachment, making the N-400 two to three pages shorter and less intimidating to users.

As explained in more detail below, USCIS could also shorten the form by eliminating questions that seek information that is not relevant to eligibility for naturalization or that is already available to USCIS through other means. We also encourage USCIS to review its technology to reduce the size of the bar code in order to use less space.

Eliminate or Modify Requests For Information That Do Not Affect Eligibility for Naturalization

Pages 4–5, N-400, Part 5: Information About Your Parents

Part 5 requests detailed information about the applicant's parents; however, as the instructions for these questions make clear, if one of the applicant's parents is a U.S. citizen, Form N-400 may not be applicable. We question the need for the additional details about the applicant's parents. Does USCIS intend to evaluate the applicant's eligibility for acquired or derivative citizenship, and issue a Certificate of Citizenship rather than proceeding with the naturalization application? If not, we recommend that the form be amended to include only the introductory note informing applicants that if one or both of their parents are U.S. citizens, they may not need

to file the N-400 and then only ask for the names and citizenship status of the applicant's parents. All other questions should be eliminated.

Page 9, N-400, Part 9(8)(C), (D), and (E): Information About Current Spouse's Prior Spouse(s)

The proposed N-400 now requests additional detailed information regarding the prior spouses of the applicant's current spouse, including date of birth, country of birth, and country of citizenship or nationality. This information in no way relates to the applicant's eligibility for naturalization, is overly burdensome to obtain, and the question should be removed from the form.

Page 10, N-400, Part 10 (2)(A)(3): Child's U.S. Social Security Number

We encourage USCIS to remove this request for the Social Security Numbers of the applicant's non-U.S. citizen children because this information has no bearing on the applicant's eligibility for naturalization. Furthermore, USCIS's purpose in seeking this personal and private information is not clear.

Page 14, N-400, Part 11 (13)–(20): Additional Information

USCIS is proposing to add a number of new questions to reflect the inadmissibility grounds added by the Intelligence Reform and Terrorism Prevention Act of 2004. USCIS states that these new questions "are necessary for USCIS to meet the statutory requirements and the President's directive to make a determination that a person is ineligible to naturalize because of his or her past involvement with terrorism, persecution, torture, or genocide."¹ To accomplish this, USCIS proposes to remove question 11 of the current form which reads, "Have you **ever** persecuted (*either directly or indirectly*) any person because of race, religion, national origin, membership in a particular social group, or political opinion?" and replace it with a series of questions (13-20), each with numerous subparts. For example, new Question 13 seeks information on past acts of genocide, torture, and persecution, while new Question 14 sets forth detailed sub-questions on participation in military or insurgent groups as follows:

14. Were you **ever** a member of, or did you ever help or participate in, any of the following groups:

- A. Military unit?
- B. Paramilitary unit? (*group of people who act like a military group*)
- C. Police unit?
- D. Self-defense unit?

¹77 Fed. Reg. 75440, 75441 (Dec. 20, 2012).

- E. Vigilante unit? (*group of people who act like the police, but are not the police*)
- F. Rebel group?
- G. Guerilla group? (*group of people who use weapons to attack the real military, police, government, or other people*)
- H. Militia? (*An army of citizens. Not the professional military.*)
- I. Insurgent organization? (*group that uses weapons and fights against a government*)

Similarly, Question 15 poses detailed questions on past work or activities in a prison, detention facility, or other similar camp as follows:

15. Were you **ever** a worker, volunteer, or soldier in any of the following:

- A. Prison?
- B. Prison camp?
- C. Detention facility? (*place where people are forced to stay*)
- D. Labor camp?
- E. Any other place where people were forced to stay?

The remaining questions 16 through 20 seek information about groups that have used weapons against other people; participation in the sale or transfer of weapons; military, paramilitary, or weapons training; and recruitment or conscription of child soldiers.

While a number of these new questions relate to conduct that may negatively impact the applicant's eligibility for naturalization and are not covered by other existing questions, we are concerned that many of the questions are overly broad and go beyond the grounds of inadmissibility outlined in the statute. For example, simply being a member of a military, paramilitary, police, self-defense, or other organization does not necessarily mean that the person engaged in activity that would bar naturalization. Furthermore, any activity that might have taken place as a result of such affiliations, which may impact the applicant's eligibility, would be disclosed in response to Question 13, relating to genocide, torture, killing, or other harm.

Question 15 is also overly broad in that it is not limited to information that will have a meaningful impact on the applicant's naturalization eligibility. For example, working as a prison guard is a lawful type of employment. It may also be lawful to detain or house people in certain circumstances, such as the detention of criminals in prisons or other facilities, or the housing of wards of the state in orphanages or the chronically disabled in state-run group homes.

Questions 16, 17, 18, and 19 could also encompass lawful activity. For example an applicant could answer "Yes" to all of the questions in question 16 merely because he was employed by a legitimate military or prison unit. Similarly, Questions 18 and 19 could concern purely

legitimate military service. In addition, while Question 17 seems to relate to the material support bar, the question as worded is too broad. Selling or helping to sell weapons is not necessarily an unlawful activity, even if those weapons are known to be used against another person, particularly when issues of self-defense are involved. For all of these reasons, we encourage USCIS to carefully review questions 13 through 20 and modify them so that they are more narrowly tailored to the relevant statutory inadmissibility provisions.

Modify and Correct Ambiguous Questions to Improve Clarity and Reduce Burdens

The proposed Form N-400 contains a number of questions that should be reworded or slightly modified to increase the applicant's understanding of the question and, in turn, the accuracy of the information provided. In addition, these modifications will make the application clearer and less burdensome on the applicant.

Page 1, N-400, Part 1: Information About Your Eligibility

Part 1, as currently worded, leads with the statement, "I am at least 18 years old **AND** ..." which indicates that all applicants must be 18 years of age, regardless of the basis for their application. However, the minimum age requirement may be waived for individuals applying on the basis of their military service under INA §329. Question 4, relating to qualifying military service, should be amended to reflect that possibility.

Page 2, N-400, Part 2 (12): Exemptions from the English Language Test

We recommend changing the language of Part 2, Question 12, for greater clarity and to better reflect USCIS's practice with regard to English language test exemptions. We propose the following language, which is based on information found on the USCIS website.²

- A. Are you **50 years of age or older** and have you lived in the United States as a permanent resident for periods totaling at least **20** years at the time of filing your Form N-400?
- B. Are you **55 years of age or older** and have you lived in the United States as a permanent resident for periods totaling at least 15 years at the time of filing your form N-400?
- C. Are you **65 years of age or older** and have you lived in the United States as a permanent resident for periods totaling at least **20** years at the time of filing your form N-400?

²U.S. Citizenship and Immigration Services, Exceptions & Accommodations, <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextchannel=ffe2a3ac86aa3210VgnVCM100000b92ca60aRCRD>.

The proposed language will clarify that the exemptions from the English language test apply to applicants that are 50, 55, and 65 years of age, not just those who are older. Similarly, the relevant language in the accompanying instructions should also be changed to reflect USCIS practice and mirror the above recommended language.

Page 7, N-400, Part 8 (and Page 6, Instructions): Time Outside the United States

We encourage USCIS to modify Part 8, questions 1 and 2, which ask the applicant to provide the total number of days spent outside the United States and the total number of trips taken outside the United States “**since becoming a permanent resident.**” The proposed questions are unduly burdensome to applicants who have been permanent residents for a very long period of time prior to filing the N-400 application. We recommend using the current N-400 language, which only requests information regarding days spent and trips taken outside of the United States “**for the past five years.**”

In addition, we note that question 3, which requires the applicant to list the precise dates of entry and exit for each trip taken is sometimes overly burdensome and difficult for applicants to detail accurately, particularly when the trips took place several years ago and there is no passport stamp with the entry and exit dates. We recommend that USCIS explain in the accompanying instructions how applicants should answer question 3 if they are unable to recall specific dates.

Page 8, N-400, Part 9 (5): Is Your Current Spouse a U.S. Citizen?

This question includes incorrect cross-references and should be corrected to read:

If “Yes,” answer **Item Number 6**

If “No,” go to **Item Number 7**

Page 10, N-400, Part 9 (9)(B): Your Prior Spouse’s Immigration Status

This question should be modified to reflect the language included in the accompanying instructions as follows:

B. Your prior spouse’s immigration status **during your marriage**

Page 10, N-400, Part 10 (2): Information about Biological and Adopted Children

USCIS should clarify whether or not the applicant is required to provide the information requested in question 2 as it pertains to stepchildren. Though the introductory paragraph to Question 2 does not mention stepchildren (“[p]rovide the following information about all of your **biological and legally adopted children**....”), question 1 references stepchildren, and the check boxes in question A.7, B.7, C.7, and D.7 in question 2, relating to the child’s relationship to the applicant, include an option for “Current stepchild.” Assuming USCIS wants the applicant to list

detailed information regarding stepchildren, the introductory sentence to **Part 10, Question 2** should be modified to read:

*Provide the following information about **all of your biological, legally adopted, and current stepchildren (sons and daughters).***

The accompanying instructions will also require a similar change.

Page 12, N-400, Part 11 (2) & (3): Additional Information (Unlawful Voting)

We recommend changing the language of these questions to eliminate the possibility of unnecessarily flagging non-citizen applicants who have voted lawfully within the United States. In some areas, non-citizens are permitted to vote in local elections. Therefore, the following changes to questions 2 and 3 are proposed.

2. Have you ever **unlawfully** registered to vote in any Federal, State, or local election in the United States?
3. Have you ever voted **unlawfully** in any Federal, State, or local election in the United States?

Page 14, N-400, Part 11 (13)(D): Additional Information (Hurting Another Person)

We encourage USCIS to modify Part 11, Question 13D, “Were you **ever** involved in any way with ... Badly hurting, or trying to hurt, a person on purpose?” to more narrowly tailor it to solicit information that will impact the applicant’s ability to naturalize. We recommend that USCIS rephrase this question as follows: “Were you **ever** involved in any way with ... the persecution (*either directly or indirectly*) of any person because of race, religion, national origin, membership in a particular social group, or political opinion?” This would more accurately reflect the political undertone of the subparts within Question 13 and would eliminate unintended admissions.

Page 15, N-400, Part 11 (22): Additional Information (Prior Arrests/Citations)

Part 11, Question 22 asks whether the applicant has “**ever** been arrested, cited, or detained by any law enforcement officer (including any, and all immigration officials or the U.S. Armed Forces) for any reason?” The accompanying instructions state that the applicant does not “**need to submit documentation** for traffic fines and incidents (unless it was alcohol or drug related) that did not involve an actual arrest if the penalty was only a fine of less than \$500 or points on your driver’s license.” While it is clear that documentation of these incidents need not be submitted, USCIS must clarify on the form whether the applicant should answer “yes” or “no” to question 22 if he or she was involved in a non-alcohol or drug-related traffic offense or incident

that did not involve an actual arrest where the penalty was a fine of less than \$500 or points on his or her driver's license.

Page 16, N-400, Part 11 (30): Additional Information (Fraud/Misrepresentation)

Question 23 in the current form asks, "Have you ever given false or misleading information to any U.S. Government official **while applying for any immigration benefit or to prevent deportation, exclusion, or removal?**" This question, as worded, coincides with the inadmissibility grounds for misrepresentation under INA §212(a)(6)(C)(i). In the proposed form, USCIS has modified this question by eliminating the limitation on immigration benefits. This question should either be changed to reflect the language in Question 23 in the current form, or USCIS must explain why it is expanding the scope of this question to the provision of any false or misleading information to the U.S. government.

Page 18, N-400, Part 12 (and Page 8, Instructions): Your Signature

We recommend that the N-400 signature block include a reference informing the applicant that a designated representative may sign the form if the applicant is unable to sign due to a physical or developmental disability or mental impairment. The accompanying instructions to this section should clarify who qualifies as a "designated representative."

Page 18, N-400, Part 13 (and Page 8, Instructions): Interpreter's Statement and Signature

The proposed form and instructions are inconsistent in their descriptions of when the interpreter's statement and signature section must be completed. The certification statement on the form provides, "I further certify that I have read **each and every question and instruction on this form**" While the instructions state, "[a]n interpreter must complete this section of Form N-400 if an interpreter was used to complete **any question(s) on Form N-400.**" We ask USCIS to clarify exactly when the certification statement must be completed and signed. For example, in an application workshop setting, would a volunteer who clarified a single term in a particular question be required to sign the statement? Would one person who explains the form to a group of people at an information session be required to sign all of their application forms? We are also interested in learning more about the agency's rationale for including this certification on the N-400, when it is not routinely included on other USCIS forms.

Miscellaneous Changes to Accompanying Instructions

Page 1: A Guide to Naturalization

USCIS should include the National Customer Service Center 1-800 number as a means for obtaining a copy of the USCIS Guide to Naturalization, to accommodate individuals who do not have access to the Internet.

Page 1: General Eligibility Requirements (#4 and #9)

Requirement 4 contains a typographical error: “**require** period of time” should be corrected to “**required** period of time.”

The following (**bold**) language should be added to requirement 9: “You swear an Oath of Allegiance to the United States. Some applicants may be eligible for a modified oath **or a waiver based on a physical or developmental disability or mental impairment.**”

Page 2: Naturalization Testing

There is a typographical error in the second Note on page 2, which refers to **Part 2, Item Number 12** of the Form N-400. The correct item number (regarding the medical waiver) is 11.

Page 5: Question 10, Second and Third Paragraphs

The first sentence of the second paragraph on page 5 should be amended to read, “If you are deaf or hearing impaired and are requesting a sign language interpreter, indicate which language **in the space provided.**” The instructions currently state “...**in Part 1**” which does not make sense.

In addition, the second sentence in the third paragraph on page 5 currently references “**Part 2, Item Number 12.**” This should be amended to reference “**Part 2, Item Number 10.**”

Page 9: Required Evidence (Copy of Permanent Resident Card)

We recommend that the accompanying instructions provide applicants with information on what to do if their Permanent Resident Card has been lost or stolen by referring them to USCIS’s “Guide to Naturalization,”³ which includes this information.

Page 9: Required Evidence (Court Disposition Records)

We recommend adding to the **NOTE** in the instructions that providing information in records that are sealed, expunged, or otherwise cleared may negatively impact the applicant’s eligibility to naturalize.

Page 9: Required Evidence (Birth Certificates)

The instructions ask the applicant to submit birth and/or adoption certificates for all of the applicant’s biological and adopted children. These documents are not requested in the current N-400 instructions and it is not clear why they would be required as initial evidence. Requiring

³ U.S. Citizenship and Immigration Services, A Guide to Naturalization, <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=598da2f39b1ab210VgnVCM100000082ca60aRCRD&vgnnextchannel=598da2f39b1ab210VgnVCM100000082ca60aRCRD>

these documents does not align with traditional USCIS practices and places an unnecessary burden on the applicant.

Page 11: What Is the Filing Fee?

As currently worded, the paragraph under the note implies that an applicant must provide two separate checks for the filing fee and the biometrics fee. The instructions should be clarified to indicate that an applicant may submit one check for both fees.

Page 12: Processing Information (Requests for More Information or Interview)

The instructions as currently written indicate that “USCIS *may* request more information or evidence, or request that you appear at a USCIS office for an interview.” As an interview is always required, this language is confusing and should be clarified.

Thank you for your consideration of these comments to the proposed revisions to Form N-400 and instructions.

Sincerely,

The American Immigration Lawyers Association
The Catholic Legal Immigration Network, Inc.