



TEACHING, INTERPRETING AND CHANGING LAW SINCE 1979

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**Electronically Submitted through the Federal eRulemaking Portal**

September 9, 2015

Laura Dawkins

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: Agency Information Collection Activities: Request for Hearing on a Decision in Naturalization Proceedings (Under Section 336 of the INA), Form N-336; Revision of a Currently Approved Collection; Extension (Docket ID: USCIS-2007-0020).**

Dear Chief Dawkins:

The Immigrant Legal Resource Center (ILRC) submits the following comment in response to the notice of proposed revisions to Form N-336 for Request for Hearing on a Decision in Naturalization Proceedings, which was most recently published in the Federal Register on July 13, 2015.

Founded in 1979, ILRC is a national resource center that provides training, consultations, publications, and advocacy support to individuals and groups assisting low-income persons with immigration matters. ILRC works with a broad array of individuals, agencies, and institutions including immigration attorneys and advocates, criminal defense attorneys, civil rights advocates, social workers, law enforcement, judges, and local and state elected officials.

**1. Recommendation. Form N-336.** ILRC *strongly* urges USCIS to reconsider requiring requestors to attach a copy of the decision denying their Form N-400 at the time requestors file their Form N-336.

**Rationale:** The Form N-400 denial is on file with USCIS, making it an unnecessary burden on requestors to submit a copy of that decision. Additionally, requiring a copy of this decision would prevent requests, which might otherwise be approved, from being denied for failure to attach a copy of a decision *already* in USCIS's possession. Requiring copies of the decision will likely lead to Requests for Evidence (RFE) and Notices of Intent to Deny (NOID) in the cases of requestors who do not submit of their decision, which will needlessly elongate

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the process and expend adjudication resources. Finally, requestors who do not have a copy of their decision must follow up with USCIS to obtain a copy. For these individuals, it is highly unlikely they will be to obtain a copy of this decision and file during the 30-day period.

**2. Recommendation (alternate). Form N-336 Instructions. Page 1. Document Submission.** In the alternative, USCIS could change “must” on page 1 of the instructions to “may,” providing flexibility for both requestors who do and do not have copies of the decision.

**Rationale:** This change eases the unnecessary burden of providing a copy of the decision, while also allowing requestors who do possess a copy of the decision to submit it in support of their requests. Furthermore, requestors will still be able to make a good faith effort to obtain and submit a copy of the decision within 30 days but those who cannot, will still be able to timely request a hearing. Moreover, making the submission of a decision optional would also decrease the incidence of RFEs, NOIDs, and denials.

**3. Recommendation. Form N-336 Instructions. Page 1. General Instructions.** Make the following changes:

“Translations. If you submit . . . foreign language into English. An example certification would read “I, [typed name], certify that I am fluent (conversant) in the English and [language] languages, and that the above/attached document is an accurate translation of the document attached entitled [name of document].” The certification should also include the date and the translator’s signature, typed name, and address.”<sup>1</sup>

**Rationale:** The instructions do not give an example of a template translation certification that a requestor should submit. This recommendation ensures that a requestor will provide a certification that contains all of the necessary information and is identical to the guidance provided by USCIS under the “General Tips on Assembling Applications for Mailing” section of its website<sup>2</sup> and Form I-821D Instructions.<sup>3</sup>

**4. Recommendation:** Form N-336 Instructions, Page 1. Make the following change: USCIS should refund application fees for rejected applications because the applications were not timely filed.

**Rationale:** USCIS should not require requestors to pay for applications that USCIS does not adjudicate. These applications do not implicate the expenditure of any adjudicatory resources because USCIS rejected these applications. It is unfair and unjust for requestors to pay for services that were not rendered and resources that were not expended. Moreover, keeping the

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<sup>1</sup> Underlined text indicates an insertion. For ease of formatting and readability, this comment does not use block quotes, but rather quotation marks in conjunction with indents.

<sup>2</sup> See U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, General Tips on Assembling Applications for Mailing, U.S. Citizenship and Immigration Services (Nov. 21, 2013), <http://www.uscis.gov/forms/forms-and-fees/general-tips-assembling-applications-mailing>.

<sup>3</sup> See U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, Form I-821D Instructions, Consideration of Deferred Action for Childhood Arrivals 3 (June 4, 2014), available at <http://www.uscis.gov/sites/default/files/files/form/i-821dinstr.pdf>.

fee may prevent these individuals from resubmitting a request that cures the initial reason for rejection.

Thank you for your consideration of ILRC's views. Should you have any questions regarding these comments, please feel free to contact me at (202) 777-8999 or [jmagana@ilrc.org](mailto:jmagana@ilrc.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Magana-Salgado', with a long horizontal flourish extending to the right.

Jose Magana-Salgado  
Immigration Policy Attorney