

April 4, 2016

USCIS, Office of Policy and Strategy  
Regulatory Coordination Division  
Attn: Elizabeth Zemlan  
Acting Deputy Chief, Regulatory Coordination Division  
20 Massachusetts Avenue, NW  
Washington, DC 20529-2140

Dear Ms. Zemlan:

**RE: Agency Information Collection Activities: Application for Citizenship and Issuance of Certificate Under Section 322, Form N-600K; Revision of a Currently Approved Collection**

On behalf of Family Equality Council, please accept these comments on the Department of Homeland Security (DHS), United States Citizenship and Immigration Services' (USCIS) Agency Information Collection Activities: Application for Citizenship and Issuance of Certificate Under Section 322, Form N-600K; Revision of a Currently Approved Collection. Family Equality Council is a national organization working to ensure full social and legal equality for lesbian, gay, bisexual, transgender, and queer (LGBTQ) parents and their children by providing direct support, educating the public, and securing inclusion in legislation, policies, and practices impacting families. On behalf of the more than three million LGBTQ parents and their six million children across the United States,<sup>1</sup> Family Equality Council would like to thank the Director and USCIS for their work to provide inclusive and comprehensive services to the LGBTQ and immigrant communities within the United States.

**Mother and Father Designations**

Form N-600K is used to apply for citizenship under Section 322 of the Immigration and Nationality Act (INA), and is used by non-citizen children, born to American citizens, who regularly reside outside of the United States. The form requires applicants to provide identifying information about certain family members, including parents and grandparents. Parts 3, 4, and 6 of the form request personal information about an applicant's relatives using fields labeled "Father or Mother" and "Grandfather or Grandmother."<sup>2</sup>

The intent of this form is to identify the parents and grandparents of the applicant who are already United States citizens, so as to facilitate USCIS properly identifying the applicant and to determine whether known information about the applicant or her family members affects her eligibility for citizenship. Using gendered terms to gather information about the applicant's parents and grandparents when the form's intent is to effectively ascertain her identity and the identity of certain family members serves to confuse applicants and possibly delay or deny processing of this form, and petitions for citizenship, where the applicant has two parents or grandparents of the same sex. Even worse, this language may erroneously convince applicants that they and their family are ineligible for United States citizenship based on the sexual orientation of their parents or grandparents. Using these gendered terms adds nothing to the information gathered by the form that would not be ascertained by using non-gendered terms.

**Recommendations**

Form N-600K can easily be changed to use non-gendered terms to describe the parents and grandparents of an applicant without undermining or compromising the information gathered by this form. Amending these fields as recommended

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<sup>1</sup> Gary J. Gates, *LGBT Parenting in the United States*, Williams Institute at UCLA School of Law, Feb. 2013, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Parenting.pdf>.

<sup>2</sup> Form N-600K at Pt. 3, 4, and 6.



would allow applicants to complete the form more fully and truthfully, and more accurately match any previous records with which Form N-600K is being compared.

We recommend that USCIS amend the “Father or Mother” language in Form N-600K to read “Parent.” This language can be found in the instructions to Part 3, Question 1 of Part 3, Question 9 of Part 3, Question 10A of Part 3, Question 10B of Part 3, Question 10C of Part 3, Question 10D of Part 3, and in Question 1 of Part 6.

We also recommend that USCIS amend the “Grandfather or Grandmother” language in this form to read “Grandparent.” That language can be found at Question 1 of Part 4 of the form.

The Director of United States Citizenship and Immigration Services, through power granted him by the Secretary of Homeland Security, has the authority to change this form as established by 8 U.S.C. § 1103. The relevant portion of the INA does not use gendered terms, and instead uses the term “parent.”<sup>3</sup> Thus, the changes we recommend are already used as part of internal agency policy.

The federal government’s thousands of programs, services, and benefits are intended to be accessible to all who qualify, and the language we use to determine eligibility for those benefits carries significant tangible and symbolic consequences for LGBTQ-headed families. Changing Form N-600K to employ gender-neutral parental and grandparental terms is a cost-neutral change that would more accurately reflect the varied composition of today’s families. Updating this form to be inclusive of families with two parents or grandparents of the same sex will also increase governmental efficiency by alleviating the needless confusion, delays, and denials caused by current outdated forms. The exclusionary effect of the gendered statutory language struck down by the Supreme Court’s ruling in *U.S. v. Windsor*<sup>4</sup> shows how gendered spousal fields and other terms like those seen here exclude millions of people from benefits, services, and programs. Updating this form and forms like it to be inclusive of all families will ensure these benefits are available and awarded appropriately to all who are eligible for them.

We respectfully recommend that the United States Citizenship and Immigration Services amend the gendered parental language on Form N-600K to be inclusive of all parents and families. We commend USCIS and the Department of Homeland Security for its work, and look forward to the final draft of this form.

We are happy to provide your office with any additional information or clarification that you might need. Please contact Austen Brandford ([abrandford@familyequality.org](mailto:abrandford@familyequality.org), 202-607-2140) in our Washington, D.C. office with any questions.

Sincerely,



Emily Hecht-McGowan  
Interim Co-Executive Director and Director of Public Policy  
Family Equality Council

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<sup>3</sup> 8 U.S.C. § 1433.

<sup>4</sup> *United States v. Windsor*, 133 S. Ct. 2675 (2013).

