

N-648 – 60 Day Comment: [Bronx Legal Services NYC](#)

Form Section	Comment	Response
1. General	<p>Because of their frustration and reluctance of doctors to fill out N-648 forms, it is important that USCIS design the form in a way that obtains the information it needs to fulfill the mandate of 8 U.S.C §1423(b)(1) that it provide waivers of English and civics testing to eligible applicants without unnecessarily wasting doctors' time or causing them unwarranted frustration which may lead them to decline to fill out the forms for qualified naturalization applicants, thus frustrating the purpose of Section 1423(b)(1). Moreover, USCIS is obliged by the Paperwork Reduction Act of 1995 not to collect information that is "unnecessarily duplicative of information otherwise reasonably accessible to the agency" and to "reduce[] to the extent practicable and appropriate the burden on persons" who provide information to the agency. 44 U.S.C. §3506(c)(3)(B) & (C).</p> <p>In light of its obligation to provide waivers to eligible applicants and its obligations under the Paperwork Reduction Act, it is incumbent upon USCIS only to include questions on the N-648 that are needed to determine waiver eligibility and which are not unduly burdensome to doctors. Several of the questions on the proposed revised N-648 form fail to meet this test.</p>	<p>USCIS understands that some medical professionals may be reluctant to fill out forms. However, in order for the applicant to obtain the exception, the applicant must provide the form properly completed.</p> <p>USCIS believes that the questions included on the form are necessary and are not duplicative. Therefore, USCIS believes the form conforms to all requirements under the PRA.</p>
2. Part 3 Question 3 (date disability began) and 4 (date of diagnosis)	<p>The proposed new questions 3 and 4 in Part 3, which ask when each disability or impairment began and when each disability or impairment was diagnosed, ignore the</p>	<p>A medical professional should have a general knowledge of the applicant's medical history and should be able to respond to the questions. Moreover, a medical professional could obtain this</p>

	<p>reality that the doctor who is treating a naturalization applicant today may not be the doctor who was treating him or her when his or her condition began or when it was first diagnosed. By suggesting that the doctor filling out the form should know this information, the addition of these questions subtly discourages a doctor who does not know this information from filling out the form. Because it is contrary to the purpose of Section 1423(b)(1) to discourage doctors from completing N-648 forms and because the information sought by the proposed new questions 3 and 4 is not needed for USCIS to determine whether a naturalization applicant is currently unable to learn English and the information necessary to pass the civics test, these questions should not be added to the form.</p>	<p>information through review of medical records or interviewing the applicant. USCIS believes these questions are appropriate and assist USCIS in determining whether the applicant qualifies for the exception, and whether the form was timely submitted or whether circumstances may justify a later submission given the onset of the condition or a significant change in the condition after the N-400 was filed.</p>
<p>3. Part 3 Question 7 (severity of effects of each disability and or impairment listed in part 3, item 1, explain basis)</p>	<p>The proposed new question 7 in part 3, which asks the medical provider to assess the “severity of the effects” of each disability, is problematic because “severity of the effects” is undefined. If doctors do not understand the questions the form asks, they will be less likely to fill out the form and, even if they do fill out the form, they will be less likely to fill it out in a way that conforms to USCIS’s expectations. This question should not be included unless USCIS makes clear what it means by “severity of the effects.” Better yet, this question should not be used at all because it asks doctors for an</p>	<p>USCIS needs information about the severity of the condition in order to inform whether the condition prevents the applicant from learning English and/or civics. As the same condition may affect different applicants in varying ways, USCIS must rely on the judgment of the medical professional in determining the effect of that condition on the applicant’s ability to learn new information. However, USCIS understands that a medical professional may not understand the meaning of the “severity of effects” when describing the severity of a disability or impairment and has made an appropriate edit.</p>

	assessment of their patient that is not relevant to the question of whether the patient's condition makes it impossible for him or her to learn English and civics.	
4. Part 3 Question 8 (relevant disability and/or impairment affects specific functions in applicant's daily life, including ability to work or go to school that may related to learning civics/English...)	The proposed new question 8 in part 3 is flawed in ways that are similar to the flaws in the proposed new question 7. While examples are given to partially explain what USCIS means by "specific functions of the applicant's daily life" the term is not fully explained. Moreover, doctors are often not in a position to describe all of the ways in which a patient's impairment impairs their daily life since they only see the patient periodically in a clinical setting. Finally, the information this question seeks is again not needed for the determination USCIS is required to make in considering waiver requests.	<p>A medical professional should have a general knowledge of the applicant's medical history and should be able to respond to the questions. Moreover, a medical professional could obtain this information through review of medical records or interviewing the applicant to describe the impact of the disability or impairment on the applicant's daily life.</p> <p>Additionally, USCIS needs this information to determine if the applicant can learn English and/or civics. How the applicant functions in other settings, such as school or work, can inform a determination whether the applicant can learn English and/or civics.</p>
5. Part 3 Question 15 (date and location you first examined the applicant) and 16 (date and location you last examined the applicant)	Responses to proposed new questions 15 and 16 in part 3 are more often than not going to be redundant with the information provided in part 2 of the N-648 form, as USCIS seems to acknowledge by offering "same as business address" as a response option. These questions make the form longer and more complicated, thus creating the risk that doctors will become exasperated and not complete the form. They also create the risk that doctors will skip them as redundant and that USCIS will then reject the form and deny the waiver	To streamline the medical professional's ability to complete the form, USCIS has updated the form to include check boxes to identify that the address is the same as the business address. USCIS uses this information about the dates and the location to establish a context for the medical professional's scope of knowledge regarding the applicant's disability or impairment.

	request. Because they will produce little useful information for USCIS while increasing the risk that meritorious requests for waivers will either never be submitted or that they will be denied for the failure to fully complete the form, these new questions should not be included.	
6. Part 3 Question 20 -22 (name and address of regular treating physician; why are you certifying instead of regular treating medical professional)	Proposed questions 20-22 in part 3 are necessary only if the medical provider filling out the form answers “No” to question 17. This should be made clear.	USCIS informs the medical professional completing the form in Item Number 18., that if they answered “Yes” to Item Number 17., to skip Item Number 20. – 22.
7. Part 4 Question 8-10 (certification for telephonic interpreter)	Questions 8-10 in part 4 of the proposed new form are problematic. They ask the medical provider if a specific affirmation was made by an interpreter who the provider used while examining the applicant. The examination will often have taken place weeks or even a few months prior to the completion of the form. It is unreasonable to expect medical providers to have required such a certification at the time of the examination or even to recall whether or not such a certification was made. Unless these questions are dropped from the new form, many meritorious waiver requests will be denied because medical providers will be unable to attest to the phone interpreter’s affirmation.	Medical professionals should review the form before beginning the examination in order to make sure they request the proper certification from the interpreter. Such information is necessary to affirm that the applicant understands the medical professional’s questions and that the medical professional properly obtains all the necessary information. The new questions simply aligns the process for telephonic interpreters with that already in place for in person interpreters.
8. Part 3 Question 2 (provide basic description of all disabilities and impairments)	Finally, question 2 in Part 3 of the N-648, which appears in both the current version of the form and the proposed new form, should be dropped. There is no legitimate need	USCIS officers are not medical professionals and are not familiar with DSM and ICD codes. The description allows officers to determine whether the applicant

	<p>for USCIS to ask medical providers to provide a narrative description of their patients' medical conditions, especially if they have already provided DSM or ICD codes, which refer USCIS to generally accepted descriptions of the conditions at issue. This question places an additional burden on medical providers who fill out the form without providing any information that is not otherwise available to USCIS.</p>	<p>is eligible for the exception. This question has been on the form in previous versions and has assisted USCIS in determining whether the applicant qualifies for the exception.</p>
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