

## SECTION 4

- ILCM Naturalization Interview Guide
- Checklist for Interview Preparation Meeting
- Responsibilities of the Pro Bono Attorney at the Naturalization Interview
- Civics (History and Government) Questions for the Naturalization Test
- Reading Vocabulary for the Naturalization Test
- Writing Vocabulary for the Naturalization Test
- Scoring Guidelines for the U.S. Naturalization Test
- *Excerpts Relating to Disability Waivers from ILRC's Naturalization and U.S. Citizenship; The Essential Legal Guide.*
- Sample "90 Day" Status Inquiry Letter
- Sample "120 Day" Letter



**ILCM Pro Bono Naturalization Project:**  
Naturalization Interview Guide



**ILCM Pro Bono Naturalization Project:**  
Naturalization Interview Guide

## **I. Naturalization Interview Preparation**

All naturalization applicants are required to attend an interview with a USCIS officer as part of their application process. After you have filed your client's N-400 application, received a Receipt (of Fee Waiver Approval Notice) for the filing, and your client has attended a biometrics appointment<sup>1</sup>, you will receive an interview notice. In addition to the notice you may receive an additional yellow sheet with items listed for you to bring. These are automatically generated so if some of the requests are impossible or totally irrelevant (i.e. asking for a refugee with no passport to bring passport) then you can ignore it. Otherwise have client bring the items listed.

The interview notice will tell you the day, time, and location of your client's naturalization interview. When you receive the interview notice for a case please contact the client to make sure that they are aware of the interview date, time, and location. There is a template letter on the ILCM website that you can use to send your client a copy of the notice.

Once you have received an interview notice from USCIS you should schedule a meeting with your client to prepare for the interview. ILCM suggests holding this meeting approximately two weeks prior to the interview date. The purpose of the preparation meeting is to make sure that your client is ready for the interview, explain the interview process to your client, and practice with the client. For a detailed list of agenda items for the preparation meeting please see the *ILCM Checklist for Interview Preparation Meeting*. In addition to completing all of the items on the Checklist, ILCM suggests that attorneys show clients how to access USCIS's naturalization interview video. The video is located on the USCIS website. It shows a mock-interview, which can be very helpful for a client to see prior to attending their own interview.

## **II. Attending the Naturalization Interview**

ILCM asks that pro bono attorneys accompany clients to their naturalization interviews. Although the attorney generally does not play a very vocal role in the interview itself, the attorney is there to support the client, take notes to record the interview, and interject if necessary to protect the client's rights. For more information about the attorney's role in the naturalization interview please see the *ILCM handout Responsibilities of the Pro Bono Attorney at the Naturalization Interview*.

The following is a general description of a naturalization interview. Although each interview will vary slightly depending on the case and the officer involved, the general overview is meant to help attorneys who are unfamiliar with the interview process to better understand what to expect and how to prepare a client.

### **A. Logistics**

For clients living in Minnesota, naturalization interviews will generally be held at the local USCIS office located in Bloomington (although some may be held at the Sioux Falls or Duluth office if the client's residence is close in proximity to those locations). Attorneys and clients should be sure to

---

<sup>1</sup> Applicants who are under the age of 14 and on or over the age of 75 are not required to provide fingerprints.

arrive at the interview location at least 15 minutes before the scheduled interview time. However, please note that security at the local office will generally not let you arrive more than half an hour before your interview time. Both the client and the attorney should bring the Interview Notice with them to the interview. The client should bring their LPR card, any government-issued ID, their passport (if they have one), and any other documents that were listed on the interview notice. The attorney should bring the client's file, any new materials that need to be submitted, their attorney card and photo ID, as well as pen and paper for notes. Warn the client not to go into the interview without you. If you are in another interview or running slightly late let your client know, and let USCIS know if possible. But also be sure to warn your client that he or she should tell the officer that they are waiting for counsel and cannot go into the interview without the attorney.

#### B. The N-400 Review and the English Speaking Test

Before the interview the attorney and the client should report to the Naturalization Lobby (or whatever location at USCIS is indicated on the interview notice). When the attorney and the client are both present in the Naturalization Lobby the client should bring his or her interview notice to the front desk to check-in. We advise that the client wait to do this until the attorney arrives to ensure that he or she will not be called in early to the interview without the attorney present.

After checking in, the client and the attorney will wait in the Naturalization Lobby area until the client's name is called by the interviewing officer. The interview will take place in the interviewing officer's personal office not a courtroom. The officer will begin the interview by placing the client under oath and asking the client for his or her identification documents. Next the officer will go through the N-400 application question by question with the client. The attorney should record the name of the officer and take notes throughout the interview.

Unless the client qualifies for a language exemption or exception, this process will be done completely in English. The client must be able to generally converse with the officer in English throughout this portion of the interview. Clients are, however, able to request that the officer repeat questions if necessary or ask for them to be rephrased. Also, although the attorney cannot speak for the client during the interview, if the attorney realizes that the client is confused but unwilling to ask for clarification or is answering questions incorrectly due to a language barrier issue, the attorney can interject to point out that the client seems to be confused and request that the officer reword or clarify the question.

It is during this portion of the interview that the client, and/or the attorney, can provide updates or corrections to the N-400 form. Therefore, if any new events have occurred since the N-400 was filed that are relevant to the questions on the form the attorney should let the officer know. Documentation, where appropriate, should be presented to supplement these amendments. For instance, if payments of tax arrearages or child support payments have been paid by the client since the N-400 form was filed then the attorney should submit receipts or other proof of payment at the interview. Also, if any new arrests, citations, or convictions have occurred certified copies of all

records should be given to the officer. Furthermore, if there were any errors on the filed N-400, the attorney (or the client if asked directly) can orally amend the form during the interview.

If an officer is acting inappropriately, or is otherwise not following procedure, the attorney can interject. The attorney should politely express his or her concerns to the officer. If the officer continues to ignore proper procedure, and the attorney deems it necessary, he or she can request to speak with a Supervisor. For more guidance on proper procedures and guidelines for officers attorneys can consult Chapter 15 of the USCIS Policy Manual and other materials in the ILCM Naturalization Manual.

### C. The Reading, Writing, and Civics Testing

Once the overview of the N-400 is complete the reading, writing, and civics tests will be conducted. For the reading test, the client will be asked to read one sentence. The sentence will traditionally be related to U.S. history or government. The words used in the sentence should all be selected from a set list that is available for study on the USCIS website. The client should not be deemed to have failed the reading test due solely to pronunciation errors unless the error affects the meaning of the sentence.

For the writing test, the client will be asked to write one sentence that the officer orally recites. The sentence will traditionally be based on U.S. history and government, and is often related to the subject matter of the reading test sentence. Like the reading test, the words used in the sentence should all be selected from a set list that is available for study on the USCIS website. The client should not fail due solely to spelling, punctuation, or grammar errors unless the errors affect that meaning of the sentence. The client should be given three chances to write an English sentence.

Lastly, for the civics test, the officer will select ten questions from the list of 100 pre-approved civics questions (this list is available on the USCIS website for clients to use as a study aid). The officer will orally recite the questions. Multiple choice options will NOT be given. The client must answer six questions to pass the test. Once the client has answered six questions correctly the test will end.

For more guidance on the official procedures for scoring the English testing please consult the *USCIS Scoring Guidelines for the U.S. Naturalization Testing*.

### D. Conclusion of the Interview

At the end of the interview, the officer will list of all of the changes/updates that he or she made to the application based on the interview. The client will be asked to initial that all of their basic information, as listed in the officer's file, is correct. IT IS VERY IMPORTANT THAT THE CLIENT AND ATTORNEY CONFIRM THAT ALL INFORMATION IS CORRECT (ESPECIALLY SPELLING OF THE NAME), BECAUSE THIS WILL BE PERMANENT. Finally, the officer will print a document that lists the result of the interview. The most common interview results are as follows:

- The client passed all of the testing and the officer sees no other issues in the case. In these instances the client will be recommended for approval. This is not the same as an official approval since the officer and his or her supervisor could further scrutinize the file, but generally results in an approval.
- The client passes all of the testing requirements, but there are still unanswered questions in their file that the officer must examine, he or she will note that fact on the document. The client will then receive an approval, a Request for Evidence, or a Notice of Intent to Deny via mail following the interview once a final decision is made in the case. If a case is denied there is a 30 day appeal period.
- The client failed one or more of the English/Civics testing requirements. In these cases, USCIS will re-issue a new interview notice that specifies a date and time for a second interview. On average the client will only have 4-6 weeks to prepare for the second interview. At the second interview the client will only have to complete the tests that he or she previously failed. If the client cannot pass the testing component at the second interview then his or her application will be denied (without prejudice).

#### E. Post-Interview Attorney Responsibilities

Following the interview, ILCM advises that the attorney remind the client that he or she is not yet a citizen (and will not be until the completion of the oath ceremony). Therefore, clients must keep the attorney abreast of any relevant changes so he or she can update USCIS accordingly (i.e. new arrests, citations, etc.). Also the client must be sure to tell the attorney if the client's address or phone number changes. This is important for general contact between the attorney and the client, but is also relevant because USCIS must be made aware of any address changes while the application is pending through a letter and an AR-11 filing.

If any issues arose during the interview the attorney should be sure to follow-up accordingly. For instance, it may be necessary to submit more documents or materials, prepare for a Request for Evidence (RFE), refer your client to English/Civic testing classes or study aids, or simply rescreen your client on issues that arose during the interview questioning. IN CASES WHERE ISSUES AROSE AT THE INTERVIEW PLEASE CONTACT YOUR MENTOR AT ILCM TO DISCUSS THE MATTER.

After the interview, the attorney should place a reminder in his or her calendar to check on the status of the application. If you receive an oath notice send a copy to your client with directions (*see* sample letter in the ILCM Naturalization Manual). If 90 days have passed and you have not yet received a decision the attorney can write an inquiry letter to USCIS (*see* sample letter in the ILCM Naturalization Manual). Although we advise speaking with your mentor before doing so. If a decision has still not been issued 120 days after the interview, the attorney can write a letter requesting a decision in accordance with 8 CFR 335.3(a) (*see* sample letter in the ILCM Naturalization Manual). If no answer is received in response to the 120-day letter, the attorney

should research possibilities such as engaging congressional offices for assistance or bringing a case in Federal Court.

As noted above, in general if any issues arise during the interview or if a decision is chronically delayed in a case we ask that the pro bono attorney contact the Pro Bono Director at ILCM to discuss. Also, we ask that the Pro Bono Director at ILCM be notified immediately if a case is denied so we can discuss appeal options in a timely manner.

### **III. Language Exemptions and Exceptions to the English/Civics Testing**

#### **A. Age/Residency Exceptions**

As a general rule, all N-400 applicants must pass the English speaking, reading, writing tests as well as the Civics test to be eligible for citizenship. However, there are limited exceptions and exemptions from this rule. First, there are several exemptions based on an applicant's age and years of residency. The exceptions are as follows:

- 50/20: Applicants who are 50 years or older and have been an LPR for at least 20 years as of the day the N-400 was filed qualify for an exemption from the English requirements. This means that the applicant does not have to take the reading and writing tests. The applicant can also bring an interpreter to the interview. Please note that the applicant still must complete the Civics test. However, he or she can complete the test in his or her native language with the help of an interpreter.
- 55/15: Applicants who are 55 years or older and have been an LPR for at least 15 years as of the day the N-400 was filed are eligible for the same exemptions as 50/20 applicants.
- 65/20: Applicants who are 65 years or older and have been an LPR for at least 20 years as of the day the N-400 was filed are eligible for the same exemption as the 50/20 and 55/15 applicants. However, additionally, the 65/20 applicants are also eligible for special procedures for the Civics testing. Although they must still take the Civics test, they will only have to study from a list of 25 questions instead of 100. These questions are typically easier, and will be marked on the USCIS study guide with an asterisk.

#### **B. Disability Waivers**

If an applicant has a medically determinable physical, developmental, or mental disability that is so severe that applicant is unable to learn or demonstrate his or her understanding of English, history, or civics then the applicant may qualify for disability waiver from applicable testing. See INA 312 (b) (1). The disability or impairment cannot be the result of drug use and it must be a condition(s) that is considered permanent (expected to last 12 months or more). Conditions such as old age, illiteracy,



lack of formal education are not themselves considered eligible conditions.<sup>2</sup> However, if a medically determinable condition underlies those issues it may be relevant.

It is important to note the difference between a condition that is grounds for a medical waiver and a condition that is grounds for a reasonable accommodation request. In order to obtain a medical waiver the applicant must be unable to complete the testing (or whatever portion of the testing is being waived) despite reasonable accommodations. For example, if the person's condition is that he or she is hearing impaired that individual would not be eligible for a medical waiver based on that condition if he or she could successfully complete the testing with the reasonable accommodation of a sign-language interpreter. If the applicant has a disability or condition that necessitates a reasonable accommodation the required accommodation should be requested on the N-400 (a medical waiver is not the appropriate form to request reasonable accommodations), so USCIS can provide the accommodation during testing.

In order to obtain a disability waiver, the applicant must submit an N-648 form. **Please note that the original N-648 form must be filed within 6 months of being signed.** Ideally the form should be submitted with the N-400 form. However, the form can be submitted at the time of the interview if necessary. The form must be fully and correctly filled out. The form does not need to be filled out by a civil surgeon. The form must be completed by a licensed medical doctor (this includes psychiatrists), clinical psychologist, or doctor of osteopathy. This does not include nurse practitioners or medical residents. If an interpreter was used during patient evaluations that interpreter must also sign the form and fully complete the interpreter's portion. The N-648 must be legible, completed in accordance with the directions, and must fully explain the client's condition and why it prevents him or her from performing some or all of the testing requirements. Although the entire form is important, USCIS officers will pay particular attention to question 10, which explains the nexus between the disability and the applicant's inability to learn English or the Civics materials.

Attorneys should review the N-648 thoroughly before submitting it to make sure that it is complete, that the doctor properly answered all questions, confirm that the applicant actually met in person with the doctor who signed the form, and make sure that the information on the form is true and not inconsistent with the client's personal information that is listed on the N-400. Additionally, the attorney should prep the client for questions that the USCIS office may ask when evaluating the N-648 Form, such as: 1) Do you work and if so how do you complete your job with the barrier described in the N-648, or 2) Do you drive and if so how did you pass the testing required for a license.

---

<sup>2</sup> Although these issues alone are not relevant for a disability waiver, they may be relevant for a Due Consideration Request. For applicants who have circumstances that do not rise to the level of a medical waiver, but could seriously impact their ability to complete the required testing a request for due consideration may be appropriate. Due consideration is completely discretionary. Since there is no official form used to request due consideration, the best method is to submit a letter with the N-400 form explaining the special circumstances and making a general request for consideration of these factors during the interview and testing.

The attorney should also review the N-648 to make sure that the client's ability to understand the oath of allegiance is not called into question. This is important because all applicants for naturalization are required to understand and take the oath of allegiance. If the applicant is unable to do so then he or she must obtain a separate oath waiver. Therefore, if the client has been deemed legally incompetent at any point, or has any other conditions that raise doubts about his or her ability to understand the oath of allegiance, the attorney must make sure that an oath waiver is not necessary.

If a doctor completes an N-648, but the attorney determines that it is not sufficient, the attorney should contact the doctor to request a new form if the first version is not sufficient. ILCM has several guides for doctors regarding the N-648 form as well as samples, which can be helpful to provide to a doctor who is filling out the form.

Applicants will not receive any notice before the interview about whether or not the N-648 was accepted. The USCIS officer will make that determination during the interview itself. At the beginning of the interview, the officer will review the form. He or she may ask the client basic questions about their condition. The officer should be evaluating the form and not making his or her own medical diagnoses. After this brief review the officer will make a decision about the acceptability of the waiver. If he or she accepts the N-648 the applicant will not have to complete the portions of the testing that were waived on the form. If, however, the N-648 is denied, the applicant will be given the option to either: 1) proceed with the interview or, 2) forgo the interview and wait for a second interview to be scheduled. At the second interview the applicant can either complete all of the required testing or submit a new N-648 form. The second interview will be the applicant's final opportunity to either pass the required testing or provide a sufficient waiver form.

### C. General Information about Interpreters

Applicants must bring their own interpreters to the naturalization interview. USCIS will not supply interpreters. Interpreters should not be a family member and cannot be the attorney of record. However, the interpreter does not need to be a professionally trained or certified interpreter. It is extremely important, especially when using an untrained interpreter, to prepare the interpreter for the interview. Interpreters will be placed under oath for the interview. They are required to directly interpret the officer and the applicant. The interpreter is not allowed to add information, reword questions, clarify issues, or otherwise depart from the exact wording of the officer and the applicant. If an interpreter is not adhering to these rules or is acting inappropriately, the officer can in his or her discretion remove the interpreter from the interview.

## **Check List for Interview Preparation Meeting**

- ❑ Confirm date, time, location, and meeting place with client (provide map to client, if necessary);
- ❑ Make sure client has copy of interview notice to take to interview;
- ❑ Discuss appropriate dress;
- ❑ Explain interview set up
  - Time frame (about 20 minutes), format of the interview, fingerprinting process, and attorney role
- ❑ Explain purpose of interview – emphasize truth by client;
- ❑ Explain what client should bring: LPR card, I.D., passport, interview notice;
- ❑ Gather additional items needed (if any) and copy;
- ❑ Explain role of examiner:
  - Review form and make changes/Give Test
- ❑ Review application with client as practice, note changes to form, practice explaining complex answers;
- ❑ Review oath guidelines;
- ❑ Practice writing/reading/civics test (6/10 = approval);
- ❑ Explain signing form again at interview, name changes, sign photographs;
- ❑ What to expect after interview (RFE, Recommended for approval, oath);
- ❑ Remind client he/she is not a U.S.C. until after the oath ceremony;
- ❑ Answer client questions.
- ❑ Refer client to view The USCIS Naturalization Interview and Test video on the USCIS website to see a mock interview. The video can be found in the USCIS video archive at [www.uscis.gov](http://www.uscis.gov) in the under the Resource Tab.



## **Responsibilities of the Pro Bono Attorney at the Naturalization Interview**

At the naturalization interview, the focus is and should be on the naturalization applicant. The attorney is mostly an observer of the interview.

- Have a G-28 on file;
- Meet client 15 - 20 minutes early in the waiting room;
- Bring file, copy of application, ID, and attorney's license;
- Bring copies of new submissions, including current evidence of compliance with tax arrearage payments and child support payments, if applicable;
- Take notes at interview;
- Note examiner's name;
- Clarify changes/correct any errors;
- Offer to explain any complications;
- Ask if fingerprints have cleared



## Civics (History and Government) Questions for the Naturalization Test

The 100 civics (history and government) questions and answers for the naturalization test are listed below. The civics test is an oral test and the USCIS Officer will ask the applicant up to 10 of the 100 civics questions. An applicant must answer 6 out of 10 questions correctly to pass the civics portion of the naturalization test.

On the naturalization test, some answers may change because of elections or appointments. As you study for the test, make sure that you know the most current answers to these questions. Answer these questions with the name of the official who is serving at the time of your eligibility interview with USCIS. The USCIS Officer will not accept an incorrect answer.

Although USCIS is aware that there may be additional correct answers to the 100 civics questions, applicants are encouraged to respond to the civics questions using the answers provided below.

### AMERICAN GOVERNMENT

#### A: Principles of American Democracy

1. **What is the supreme law of the land?**
  - *the Constitution*
2. **What does the Constitution do?**
  - *sets up the government*
  - *defines the government*
  - *protects basic rights of Americans*
3. **The idea of self-government is in the first three words of the Constitution. What are these words?**
  - *We the People*
4. **What is an amendment?**
  - *a change (to the Constitution)*
  - *an addition (to the Constitution)*
5. **What do we call the first ten amendments to the Constitution?**
  - *the Bill of Rights*
6. **What is one right or freedom from the First Amendment?\***
  - *speech*
  - *religion*
  - *assembly*
  - *press*
  - *petition the government*
7. **How many amendments does the Constitution have?**
  - *twenty-seven (27)*

\* If you are 65 years old or older and have been a legal permanent resident of the United States for 20 or more years, you may study just the questions that have been marked with an asterisk.

8. **What did the Declaration of Independence do?**
  - *announced our independence (from Great Britain)*
  - *declared our independence (from Great Britain)*
  - *said that the United States is free (from Great Britain)*
9. **What are two rights in the Declaration of Independence?**
  - *life*
  - *liberty*
  - *pursuit of happiness*
10. **What is freedom of religion?**
  - *You can practice any religion, or not practice a religion.*
11. **What is the economic system in the United States?\***
  - *capitalist economy*
  - *market economy*
12. **What is the “rule of law”?**
  - *Everyone must follow the law.*
  - *Leaders must obey the law.*
  - *Government must obey the law.*
  - *No one is above the law.*

## **B: System of Government**

13. **Name one branch or part of the government.\***
  - *Congress*
  - *legislative*
  - *President*
  - *executive*
  - *the courts*
  - *judicial*
14. **What stops one branch of government from becoming too powerful?**
  - *checks and balances*
  - *separation of powers*
15. **Who is in charge of the executive branch?**
  - *the President*
16. **Who makes federal laws?**
  - *Congress*
  - *Senate and House (of Representatives)*
  - *(U.S. or national) legislature*
17. **What are the two parts of the U.S. Congress?\***
  - *the Senate and House (of Representatives)*
18. **How many U.S. Senators are there?**
  - *one hundred (100)*

\* If you are 65 years old or older and have been a legal permanent resident of the United States for 20 or more years, you may study just the questions that have been marked with an asterisk.

19. **We elect a U.S. Senator for how many years?**
  - *six (6)*
20. **Who is one of your state's U.S. Senators now?\***
  - *Answers will vary. [District of Columbia residents and residents of U.S. territories should answer that D.C. (or the territory where the applicant lives) has no U.S. Senators.]*
21. **The House of Representatives has how many voting members?**
  - *four hundred thirty-five (435)*
22. **We elect a U.S. Representative for how many years?**
  - *two (2)*
23. **Name your U.S. Representative.**
  - *Answers will vary. [Residents of territories with nonvoting Delegates or Resident Commissioners may provide the name of that Delegate or Commissioner. Also acceptable is any statement that the territory has no (voting) Representatives in Congress.]*
24. **Who does a U.S. Senator represent?**
  - *all people of the state*
25. **Why do some states have more Representatives than other states?**
  - *(because of) the state's population*
  - *(because) they have more people*
  - *(because) some states have more people*
26. **We elect a President for how many years?**
  - *four (4)*
27. **In what month do we vote for President?\***
  - *November*
28. **What is the name of the President of the United States now?\***
  - *Barack Obama*
  - *Obama*
29. **What is the name of the Vice President of the United States now?**
  - *Joseph R. Biden, Jr.*
  - *Joe Biden*
  - *Biden*
30. **If the President can no longer serve, who becomes President?**
  - *the Vice President*
31. **If both the President and the Vice President can no longer serve, who becomes President?**
  - *the Speaker of the House*
32. **Who is the Commander in Chief of the military?**
  - *the President*
33. **Who signs bills to become laws?**
  - *the President*
34. **Who vetoes bills?**
  - *the President*

\* If you are 65 years old or older and have been a legal permanent resident of the United States for 20 or more years, you may study just the questions that have been marked with an asterisk.

35. **What does the President's Cabinet do?**
- *advises the President*
36. **What are two Cabinet-level positions?**
- *Secretary of Agriculture*
  - *Secretary of Commerce*
  - *Secretary of Defense*
  - *Secretary of Education*
  - *Secretary of Energy*
  - *Secretary of Health and Human Services*
  - *Secretary of Homeland Security*
  - *Secretary of Housing and Urban Development*
  - *Secretary of the Interior*
  - *Secretary of Labor*
  - *Secretary of State*
  - *Secretary of Transportation*
  - *Secretary of the Treasury*
  - *Secretary of Veterans Affairs*
  - *Attorney General*
  - *Vice President*
37. **What does the judicial branch do?**
- *reviews laws*
  - *explains laws*
  - *resolves disputes (disagreements)*
  - *decides if a law goes against the Constitution*
38. **What is the highest court in the United States?**
- *the Supreme Court*
39. **How many justices are on the Supreme Court?**
- *nine (9)*
40. **Who is the Chief Justice of the United States now?**
- *John Roberts (John G. Roberts, Jr.)*
41. **Under our Constitution, some powers belong to the federal government. What is one power of the federal government?**
- *to print money*
  - *to declare war*
  - *to create an army*
  - *to make treaties*
42. **Under our Constitution, some powers belong to the states. What is one power of the states?**
- *provide schooling and education*
  - *provide protection (police)*
  - *provide safety (fire departments)*
  - *give a driver's license*
  - *approve zoning and land use*

\* If you are 65 years old or older and have been a legal permanent resident of the United States for 20 or more years, you may study just the questions that have been marked with an asterisk.



**43. Who is the Governor of your state now?**

- *Answers will vary. [District of Columbia residents should answer that D.C. does not have a Governor.]*

**44. What is the capital of your state?\***

- *Answers will vary. [District of Columbia residents should answer that D.C. is not a state and does not have a capital. Residents of U.S. territories should name the capital of the territory.]*

**45. What are the two major political parties in the United States?\***

- *Democratic and Republican*

**46. What is the political party of the President now?**

- *Democratic (Party)*

**47. What is the name of the Speaker of the House of Representatives now?**

- *Paul D. Ryan*
- *(Paul) Ryan*

### **C: Rights and Responsibilities**

**48. There are four amendments to the Constitution about who can vote. Describe one of them.**

- *Citizens eighteen (18) and older (can vote).*
- *You don't have to pay (a poll tax) to vote.*
- *Any citizen can vote. (Women and men can vote.)*
- *A male citizen of any race (can vote).*

**49. What is one responsibility that is only for United States citizens?\***

- *serve on a jury*
- *vote in a federal election*

**50. Name one right only for United States citizens.**

- *vote in a federal election*
- *run for federal office*

**51. What are two rights of everyone living in the United States?**

- *freedom of expression*
- *freedom of speech*
- *freedom of assembly*
- *freedom to petition the government*
- *freedom of religion*
- *the right to bear arms*

**52. What do we show loyalty to when we say the Pledge of Allegiance?**

- *the United States*
- *the flag*

\* If you are 65 years old or older and have been a legal permanent resident of the United States for 20 or more years, you may study just the questions that have been marked with an asterisk.

**53. What is one promise you make when you become a United States citizen?**

- *give up loyalty to other countries*
- *defend the Constitution and laws of the United States*
- *obey the laws of the United States*
- *serve in the U.S. military (if needed)*
- *serve (do important work for) the nation (if needed)*
- *be loyal to the United States*

**54. How old do citizens have to be to vote for President?\***

- *eighteen (18) and older*

**55. What are two ways that Americans can participate in their democracy?**

- *vote*
- *join a political party*
- *help with a campaign*
- *join a civic group*
- *join a community group*
- *give an elected official your opinion on an issue*
- *call Senators and Representatives*
- *publicly support or oppose an issue or policy*
- *run for office*
- *write to a newspaper*

**56. When is the last day you can send in federal income tax forms?\***

- *April 15*

**57. When must all men register for the Selective Service?**

- *at age eighteen (18)*
- *between eighteen (18) and twenty-six (26)*

## **AMERICAN HISTORY**

### **A: Colonial Period and Independence**

**58. What is one reason colonists came to America?**

- *freedom*
- *political liberty*
- *religious freedom*
- *economic opportunity*
- *practice their religion*
- *escape persecution*

**59. Who lived in America before the Europeans arrived?**

- *American Indians*
- *Native Americans*

\* If you are 65 years old or older and have been a legal permanent resident of the United States for 20 or more years, you may study just the questions that have been marked with an asterisk.

60. **What group of people was taken to America and sold as slaves?**
- *Africans*
  - *people from Africa*
61. **Why did the colonists fight the British?**
- *because of high taxes (taxation without representation)*
  - *because the British army stayed in their houses (boarding, quartering)*
  - *because they didn't have self-government*
62. **Who wrote the Declaration of Independence?**
- *(Thomas) Jefferson*
63. **When was the Declaration of Independence adopted?**
- *July 4, 1776*
64. **There were 13 original states. Name three.**
- *New Hampshire*
  - *Massachusetts*
  - *Rhode Island*
  - *Connecticut*
  - *New York*
  - *New Jersey*
  - *Pennsylvania*
  - *Delaware*
  - *Maryland*
  - *Virginia*
  - *North Carolina*
  - *South Carolina*
  - *Georgia*
65. **What happened at the Constitutional Convention?**
- *The Constitution was written.*
  - *The Founding Fathers wrote the Constitution.*
66. **When was the Constitution written?**
- *1787*
67. **The Federalist Papers supported the passage of the U.S. Constitution. Name one of the writers.**
- *(James) Madison*
  - *(Alexander) Hamilton*
  - *(John) Jay*
  - *Publius*
68. **What is one thing Benjamin Franklin is famous for?**
- *U.S. diplomat*
  - *oldest member of the Constitutional Convention*
  - *first Postmaster General of the United States*
  - *writer of "Poor Richard's Almanac"*
  - *started the first free libraries*

\* If you are 65 years old or older and have been a legal permanent resident of the United States for 20 or more years, you may study just the questions that have been marked with an asterisk.

**69. Who is the “Father of Our Country”?**

- *(George) Washington*

**70. Who was the first President?\***

- *(George) Washington*

#### **B: 1800s**

**71. What territory did the United States buy from France in 1803?**

- *the Louisiana Territory*
- *Louisiana*

**72. Name one war fought by the United States in the 1800s.**

- *War of 1812*
- *Mexican-American War*
- *Civil War*
- *Spanish-American War*

**73. Name the U.S. war between the North and the South.**

- *the Civil War*
- *the War between the States*

**74. Name one problem that led to the Civil War.**

- *slavery*
- *economic reasons*
- *states' rights*

**75. What was one important thing that Abraham Lincoln did?\***

- *freed the slaves (Emancipation Proclamation)*
- *saved (or preserved) the Union*
- *led the United States during the Civil War*

**76. What did the Emancipation Proclamation do?**

- *freed the slaves*
- *freed slaves in the Confederacy*
- *freed slaves in the Confederate states*
- *freed slaves in most Southern states*

**77. What did Susan B. Anthony do?**

- *fought for women's rights*
- *fought for civil rights*

#### **C: Recent American History and Other Important Historical Information**

**78. Name one war fought by the United States in the 1900s.\***

- *World War I*
- *World War II*
- *Korean War*
- *Vietnam War*
- *(Persian) Gulf War*

\* If you are 65 years old or older and have been a legal permanent resident of the United States for 20 or more years, you may study just the questions that have been marked with an asterisk.

79. **Who was President during World War I?**  
▪ *(Woodrow) Wilson*
80. **Who was President during the Great Depression and World War II?**  
▪ *(Franklin) Roosevelt*
81. **Who did the United States fight in World War II?**  
▪ *Japan, Germany, and Italy*
82. **Before he was President, Eisenhower was a general. What war was he in?**  
▪ *World War II*
83. **During the Cold War, what was the main concern of the United States?**  
▪ *Communism*
84. **What movement tried to end racial discrimination?**  
▪ *civil rights (movement)*
85. **What did Martin Luther King, Jr. do?\***  
▪ *fought for civil rights*  
▪ *worked for equality for all Americans*
86. **What major event happened on September 11, 2001, in the United States?**  
▪ *Terrorists attacked the United States.*
87. **Name one American Indian tribe in the United States.**  
*[USCIS Officers will be supplied with a list of federally recognized American Indian tribes.]*  
▪ *Cherokee*  
▪ *Navajo*  
▪ *Sioux*  
▪ *Chippewa*  
▪ *Choctaw*  
▪ *Pueblo*  
▪ *Apache*  
▪ *Iroquois*  
▪ *Creek*  
▪ *Blackfeet*  
▪ *Seminole*  
▪ *Cheyenne*  
▪ *Arawak*  
▪ *Shawnee*  
▪ *Mohegan*  
▪ *Huron*  
▪ *Oneida*  
▪ *Lakota*  
▪ *Crow*  
▪ *Teton*  
▪ *Hopi*  
▪ *Inuit*

\* If you are 65 years old or older and have been a legal permanent resident of the United States for 20 or more years, you may study just the questions that have been marked with an asterisk.

## INTEGRATED CIVICS

### A: Geography

88. Name one of the two longest rivers in the United States.
- *Missouri (River)*
  - *Mississippi (River)*
89. What ocean is on the West Coast of the United States?
- *Pacific (Ocean)*
90. What ocean is on the East Coast of the United States?
- *Atlantic (Ocean)*
91. Name one U.S. territory.
- *Puerto Rico*
  - *U.S. Virgin Islands*
  - *American Samoa*
  - *Northern Mariana Islands*
  - *Guam*
92. Name one state that borders Canada.
- *Maine*
  - *New Hampshire*
  - *Vermont*
  - *New York*
  - *Pennsylvania*
  - *Ohio*
  - *Michigan*
  - *Minnesota*
  - *North Dakota*
  - *Montana*
  - *Idaho*
  - *Washington*
  - *Alaska*
93. Name one state that borders Mexico.
- *California*
  - *Arizona*
  - *New Mexico*
  - *Texas*
94. What is the capital of the United States?\*
- *Washington, D.C.*
95. Where is the Statue of Liberty?\*
- *New York (Harbor)*
  - *Liberty Island*
- [Also acceptable are New Jersey, near New York City, and on the Hudson (River).]*

\* If you are 65 years old or older and have been a legal permanent resident of the United States for 20 or more years, you may study just the questions that have been marked with an asterisk.

## B: Symbols

96. **Why does the flag have 13 stripes?**
- *because there were 13 original colonies*
  - *because the stripes represent the original colonies*
97. **Why does the flag have 50 stars?\***
- *because there is one star for each state*
  - *because each star represents a state*
  - *because there are 50 states*
98. **What is the name of the national anthem?**
- *The Star-Spangled Banner*

## C: Holidays

99. **When do we celebrate Independence Day?\***
- *July 4*
100. **Name two national U.S. holidays.**
- *New Year's Day*
  - *Martin Luther King, Jr. Day*
  - *Presidents' Day*
  - *Memorial Day*
  - *Independence Day*
  - *Labor Day*
  - *Columbus Day*
  - *Veterans Day*
  - *Thanksgiving*
  - *Christmas*

\* If you are 65 years old or older and have been a legal permanent resident of the United States for 20 or more years, you may study just the questions that have been marked with an asterisk.



### Reading Vocabulary for the Naturalization Test

PEOPLE	CIVICS	PLACES	HOLIDAYS	QUESTION WORDS	VERBS	OTHER (FUNCTION)	OTHER (CONTENT)
Abraham Lincoln	American flag	America	Presidents' Day	How	can	a	colors
George Washington	Bill of Rights	United States	Memorial Day	What	come	for	dollar bill
	capital	U.S.	Flag Day	When	do/does	here	first
	citizen		Independence Day	Where	elects	in	largest
	city		Labor Day	Who	have/has	of	many
	Congress		Columbus Day	Why	is/are/was/be	on	most
	country		Thanksgiving		lives/lived	the	north
	Father of Our Country				meet	to	one
	government				name	we	people
	President				pay		second
	right				vote		south
	Senators				want		
	state/states						
	White House						





### Writing Vocabulary for the Naturalization Test

PEOPLE	CIVICS	PLACES	MONTHS	HOLIDAYS	VERBS	OTHER (FUNCTION)	OTHER (CONTENT)
Adams	American Indians	Alaska	February	Presidents' Day	can	and	blue
Lincoln	capital	California	May	Memorial Day	come	during	dollar bill
Washington	citizens	Canada	June	Flag Day	elect	for	fifty/50
	Civil War	Delaware	July	Independence Day	have/has	here	first
	Congress	Mexico	September	Labor Day	is/was/be	in	largest
	Father of Our Country	New York City	October	Columbus Day	lives/lived	of	most
	flag	United States	November	Thanksgiving	meets	on	north
	free	Washington			pay	the	one
	freedom of speech	Washington, D.C.			vote	to	one hundred/100
	President				want	we	people
	right						red
	Senators						second
	state/states						south
	White House						taxes
							white



## U.S. Citizenship and Immigration Services

### SCORING GUIDELINES FOR THE U.S. NATURALIZATION TEST

Section 312 of the Immigration and Nationality Act (INA) provides that most applicants for naturalization demonstrate an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language, as well as a knowledge of U.S. government and history (civics)<sup>1</sup>. This document provides a general description of how the U.S. Naturalization Test is evaluated and scored by Officers of the U.S. Citizenship and Immigration Services (USCIS).

**SPEAKING:** An applicant's verbal skills are determined by the applicant's answers to questions normally asked by USCIS Officers during the naturalization eligibility interview. USCIS Officers are required to repeat and rephrase questions until the Officer is satisfied that the applicant either fully understands the question or does not understand English. If the applicant generally understands and can respond meaningfully to questions relevant to the determination of eligibility, the applicant has demonstrated the ability to speak English.

**READING:** To sufficiently demonstrate the ability to read in English, applicants must read one sentence, out of three sentences, in a manner suggesting to the USCIS Officer that the applicant appears to understand the meaning of the sentence. Once the applicant reads one of three sentences correctly, USCIS procedures require that the USCIS Officer will stop administering the reading test. Applicants shall not be failed because of their accent when speaking English. A general description of how the reading test is scored follows:

**Pass:**

- Reads one sentence without extended pauses
- Reads all content words but may omit short words that do not interfere with meaning
- May make pronunciation or intonation errors that do not interfere with meaning

**Fail:**

- Does not read the sentence
- Omits a content word or substitutes another word for a content word
- Pauses for extended periods of time while reading the sentence
- Makes pronunciation or intonation errors that interfere with meaning

---

<sup>1</sup> The English language requirement may be waived for an applicant, who on the date of filing the Application for Naturalization, Form N-400, was over 50 years old and has been a permanent resident for at least 20 years, or was over 55 years old and has been a permanent resident for at least 15 years. If either exemption applies, the applicant is not tested in English and may take the civics examination in the applicant's language of choice. An applicant, who on the date of filing the application, was over 65 years old and has been a permanent resident for 20 years, is not tested in English and qualifies to take a simpler version of the civics test in the applicant's language of choice. Also, both the English language and civics requirements for naturalization are waived for applicants who are unable to comply with these requirements because of a medical or physical impairment. To achieve a passing score on the civics test, applicants are required to answer 6 out of 10 questions correctly.

**WRITING:** To sufficiently demonstrate the ability to write in English, the applicant must write one sentence, out of three sentences, in a manner that would be understandable as written to the USCIS Officer. An applicant must not abbreviate any dictated word in the written sentence. Once the applicant writes one of three sentences correctly, USCIS procedures require that the USCIS Officer will stop administering the writing test. An applicant shall not be failed because of spelling, capitalization, or punctuation errors unless the errors would prevent understanding the meaning of the sentence. A general description of how the writing portion is scored follows:

Pass:

- Has the same general meaning as the dictated sentence
- May contain some grammatical, spelling, punctuation, or capitalization errors that do not interfere with meaning
- May omit short words that do not interfere with meaning
- Numbers may be spelled out or written as digits

Fail:

- Writes nothing or only one or two isolated words
- Is completely illegible
- Writes a different sentence or words
- Written sentence does not communicate the meaning of the dictated sentence
- Writes an abbreviation for a dictated word

**CIVICS:** To sufficiently demonstrate knowledge of U.S. government and history (civics), the applicant must answer six of ten questions correctly. The civics test will be an oral examination. Once the applicant answers six questions correctly, USCIS procedures require that the USCIS Officer will stop administering the civics test. A general description of how the civics portion is scored follows:

Pass:

- Provides a correct answer
- Provides an alternative phrasing of the correct answer

Fail:

- Provides an incorrect answer
- Fails to respond

**According to regulation, applicants who fail the English literacy and/or civics test during their first examination will be rescheduled to appear for a second opportunity to take the test (8 CFR 312.5).**

The following discusses the Immigration Service's implementation of disability waivers, definitions of qualifying disabilities, the procedures for obtaining a disability exception, concerns regarding the ability of applicants to take the oath of allegiance, and the ever-important issue of CIS accommodations for applicants with disabilities.

### **§ 7.8 Definitions of Qualifying Disabilities**

An applicant does not have to meet the English language and/or United States history and government requirements if it can be demonstrated that there is an inability to comply with this requirement even with reasonable modifications in the testing process because:

- 1) The applicant has a medically determinable physical or developmental disability or mental impairment, or combination of impairments;<sup>42</sup>
- 2) The impairment(s) have lasted or are expected to last at least 12 months; and
- 3) The loss of cognitive skills is not based on the direct effects of illegal drug use.<sup>43</sup>

Several terms and aspects of this definition require discussion.

#### **"Medically Determinable Impairment"**

The term "medically determinable" in the regulation means an impairment that "results from anatomical, physiological, or psychological abnormalities which can be shown by medically acceptable clinical and laboratory diagnosis techniques."<sup>44</sup>

Although the terms "medically determinable physical or mental impairment" do not spell out the inclusion of **developmental disabilities**, those disabilities are nevertheless covered by this definition.<sup>45</sup>

The definitions are intended by the CIS to mostly match the definitions of disabilities used by the Social Security Administration (SSA).<sup>46</sup> Applicants with

<sup>42</sup> 8 CFR § 312. Please note that the regulations do not specifically allow a person to receive a waiver if s/he can only show that a combination of impairments prevents her from demonstrating knowledge of U.S. history and government. Please see footnote 37 for arguments which advocates and applicants can try to use to get around this problem.

<sup>43</sup> 8 CFR § 312.

<sup>44</sup> 8 CFR § 312.

<sup>45</sup> INA § 312(b) and supplementary Information of the final regulation 8 CFR §312, Federal Register Vol. 62, No. 53, 12917.

disabilities like Alzheimer's disease, depressive conditions, mental retardation, learning disorders, dementia, memory loss, blindness, deafness, and even post-traumatic stress disorder may qualify if the condition affects the ability to learn and/or demonstrate English or U.S. history and government.

The Adjudicator's Field Manual (AFM) section 72.2(d)(5)(C)(2), as discussed in the September 2007 memorandum, requires that the N-648 include a list of "all the medically acceptable clinical or laboratory diagnostic techniques" that the medical professional used in determining that the applicant's disability is so severe that the individual is unable to learn English and/or civics.<sup>47</sup> The memorandum makes it clear that there are no specific tests that are required, only that the diagnostic tests used are acceptable techniques to make such a diagnosis and that they are listed in the N-648 Certification for Disability exception.

---

**PRACTICE TIP:** In cases where the applicant suffers from a mental condition or incapacity, advocates may wish to advise the applicant's doctor to consider administering a "Mini Mental State Examination" (MMSE) and describing the applicant's performance and listing his score in the doctor's narrative of the N-648 waiver form. Some practitioners have reported that CIS prefers this particular diagnostic test for detecting cognitive impairment and assessing its severity. The test is relatively brief and should not be difficult for the doctor to perform. For more information, please see <http://www.minimental.com>.

---

### **The Applicant Must Show the "Nexus" or Connection between His Disability and His Inability to Meet the English or Civics Requirement**

In establishing eligibility for a disability waiver, special attention must be paid to explaining how the person's disability, impairment, or combination of impairments actually prevents her from meeting the testing requirements for naturalization. Showing the "nexus" or connection between the disability itself and the applicant's inability to meet the testing requirement is critical to the success of the application. The doctor can meet this requirement by including significant detail about the patient's symptoms in her

(..continued)

<sup>46</sup> 8 CFR § 312. The language of the regulation differs from definitions used by the SSA in its inclusion of language regarding drug use from the Technical Corrections Act of 1994, which created the disability exceptions. SSA standards for Supplemental Security Income (SSI) eligibility can be found at 42 U.S.C. §§ 1381-1383(d).

<sup>47</sup> The Adjudicator's Field Manual (AFM) section 72.2(d)(5)(C)(2) as discussed in "Memorandum from Donald Neufeld, Acting Deputy Associate Director Domestic Operations Directorate, "Guidance Clarifying the Adjudication of Form N-648, Medical Certification for Disability," September 18, 2007. See **Appendix 7-I**, page 8.

account of her clinical diagnosis and description of the patient's condition. Each symptom should be stated carefully and related to its specific effect on the person's ability to acquire or demonstrate knowledge of English and/or U.S. history and government.

**Example:** Angela Viellechner suffered a stroke last year. Her stroke caused significant cerebral infarction (death of brain tissue) and has left her with severe and irreversible neurological damage, as reflected in the MRI scan performed on 02/25/08 and confirmed by x-ray with angiogram on 03/05/08. Because of the widespread damage to the brain tissue she has suffered markedly decreased cerebral function and is incapable of remembering basic information, articulating, or learning. Prognosis of recovery is nil. Because of Angela's condition, she is unable to learn a new language or U.S. history and government.

In the above example, the doctor has identified the applicant's medical condition: "stroke causing significant cerebral infarction." The doctor also explained the impact of the medical condition on the person: "widespread damage to brain tissue." She then explained the symptoms of the medical condition as being "incapable of remembering, articulating, or learning." The doctor concluded that the medical condition prevented the person from meeting the testing requirements. The doctor cited the diagnostic tests used, "MRI and x-ray with angiogram" and concluded that the disability would last for more than twelve months, "the prognosis of recovery is nil." (See discussion below -conditions lasting more than 12 months).

### Old Age and Diseases and Disabilities Related to Advanced Aging as "Medical Conditions"

The regulations do not include an exception for people who are unable to learn the required information due to their advanced age alone.<sup>48</sup> In many cases, however, there is a diagnosable medical reason why an elderly person cannot learn English or U.S. government and history.

The May 10, 2006 memo specifically cites Alzheimer's, Parkinson's Disease, and senile dementia as *examples* of old-age related illnesses that can qualify for a disability exception,<sup>49</sup> though that should not be considered a complete and exhaustive listing of eligible age-related conditions.

<sup>48</sup> "Memorandum from Michael Yates, Acting Associate Director Adjudication of Form N-648, Medical Certification for Disability Exceptions to the Immigration and Nationality Act (INA) Section 312 Naturalization Requirements." May 10, 2006.

<sup>49</sup> "Memorandum from Michael Yates, Acting Associate Director Adjudication of Form N-648, Medical Certification for Disability Exceptions to the Immigration and Nationality Act (INA) Section 312 Naturalization Requirements." May 10, 2006, page 5.

A finding of depression, without further explanation, is insufficient to warrant a disability waiver. However, the CIS *has* approved N-648 applications for sufferers from depression, in cases where the applicant's N-648 was sufficiently detailed and the medical professional showed a clear "nexus" between the applicant's disability and his ability to meet the testing requirements. The latest word on the subject, the May 10, 2006 memo, specifically states that "depression should be treated like any other disability," and that N-648 applications based on Post Traumatic Stress Disorder (PTSD) should likewise be evaluated under the same standard of review.<sup>50</sup>

If an adjudicator finds or has reason to believe the medical determination in the N-648 is suspect, the adjudicator may question the applicant about the facts pertaining to the applicant's medical care, job duties, community and civic affairs, and/or other daily living activities.<sup>add footnote re: same as in new memo page 7.</sup> If the applicant's conduct and responses are inconsistent with the description of the applicant's diagnosed condition as described on the N-648, the adjudicator may have a justifiable basis for doubting the authenticity of the medical determination. Thus, in cases where the applicant is suffering from depression, PTSD, or any other disability, the doctor should be particularly thorough in explaining how the condition has resulted in the applicant's functioning being so impaired that the applicant is unable to meet the English and civics requirements for naturalization.

Although the May 10, 2006 memo specifically cites Alzheimer's, Parkinson's Disease, and senile dementia as *examples* of old-age related illnesses that can qualify for a disability exception,<sup>51</sup> the September 2007 memorandum eliminates any reference to specific diseases (including depression and Post-traumatic stress Syndrome, PTSD). Instead, the later memorandum emphasizes the importance of establishing the nexus between the disability and the applicant's inability to learn or demonstrate English proficiency and knowledge of U.S. history and government.<sup>52</sup> The May 2006 memorandum should be cited if a client has been diagnosed with any of the disabilities specifically mentioned in the May 2006 memorandum.

Note also that CIS approves only those N-648s in which applicants have been shown to suffer from conditions that have impaired their functioning *so severely* as to

---

<sup>50</sup> "Memorandum from Michael Yates, Acting Associate Director Adjudication of Form N-648, Medical Certification for Disability Exceptions to the Immigration and Nationality Act (INA) Section 312 Naturalization Requirements." May 10, 2006, page 5.

<sup>51</sup> "Memorandum from Michael Yates, Acting Associate Director Adjudication of Form N-648, Medical Certification for Disability Exceptions to the Immigration and Nationality Act (INA) Section 312 Naturalization Requirements." May 10, 2006, page 5.

<sup>52</sup> "Memorandum from Donald Neufeld, Acting Deputy Associate Director Domestic Operations Directorate, "Guidance Clarifying the Adjudication of Form N-648, Medical Certification for Disability," September 18, 2007. See **Appendix 7-I**, page 8.



*significantly impair* the applicant's ability to learn or demonstrate knowledge of English and/or U.S. history and government.

---

**PRACTICE TIP:** Sometimes, because the elderly person has been able to complete the basic tasks of living, it has not occurred to him or her to be evaluated for a disability that affects learning new cognitive skills and facts. A doctor might examine an elderly person and find that he has had a number of small strokes without knowing it, or has dementia, or has suffered memory loss. The doctor could subsequently determine that such a condition(s) interferes with the individual's ability to demonstrate his knowledge of English or U.S. government and history.

---

### Combination of Impairments

The definition of disabilities set out by the CIS specifically includes a "combination of impairments."<sup>53</sup> This means that an applicant with two or more disabilities can qualify for a disability exemption based on their combined effect, even if each disability alone would not be severe enough to qualify for the exemption.

**Example:** Ludmilla Pavlova is 79 years old and suffers from mild dementia as well as partial hearing loss. Her difficulty hearing exacerbates the trouble she has concentrating and remembering what she is trying to learn. She has attempted to learn English but cannot, because of these disabilities. Although neither Ludmilla's mild dementia nor partial hearing loss might alone qualify for a disability exemption from the English requirement, the combination could allow her to qualify. Her doctor should consider the effects of both disabilities in combination when making her determination about Ludmilla's ability to learn English, and should discuss the effect of the combination of the disabilities in significant detail when completing the N-648 form.

### Impairment Has Lasted or Will Last Twelve Months

The disability exception applies to a "permanent" disability, which is defined as a disability that has lasted or is expected to last at least 12 months. Applicants do not have

---

<sup>53</sup> See 8 CFR § 312.1(b)(3). Note that in the regulations, the "combination of impairments" language only appears in the section dealing with the waiver of the English requirement, but not the civics requirement. However, there is no legal basis for distinguishing between the two, and in the CIS' other explanatory memoranda that accompany the regulations the CIS does not limit the "combination of impairments" language to the waiver of the English requirement alone. See the Supplementary Information 8 CFR § 312, Federal Register Vol. 62, No. 53, page 12917. Additionally, an applicant with disability submits just one application form, the N-648, for exceptions to both requirements. The N-648 does not make a distinction between the definition of disability for each exception.



to wait until they have had the disability for 12 months before they can be granted a disability exception, if their doctor states that the disability is expected to last for at least 12 months.

### **Reasonable Modification/Accommodations**

The applicant must demonstrate that her disability causes her to be unable to take the test(s) even if the CIS makes "reasonable modifications" in the testing procedure. Generally, this means that the CIS would be willing to make appropriate changes in the way that it conducts the interview, if that would enable the person to take the test. Modifications might include providing a sign language interpreter for a deaf person or permitting a close family member to assist in asking the questions for a person with a mental disability. For more information on "reasonable modifications" to the naturalization process, see discussion of this below in § 7.13.

**Example:** Kwaku Ananse has a mild form of mental retardation, and is partially paralyzed. He has spoken English well since he was a child, and is able to master the 100 civics questions required for naturalization. If the CIS makes certain modifications to make the interview site physically accessible for him, none of his disabilities would make him unable to take the tests. The CIS will not grant him a waiver of the test requirements based on his disabilities, because his disabilities do not prevent him from meeting the requirements. Kwaku would not be able to show a nexus between his disability and his inability to meet the English and/or Civics requirements.

---

**PRACTICE TIP:** The "reasonable modification" provision might work for or against the applicant, depending upon what she is trying to do. The "reasonable modification" requirement works in the applicant's favor if she elects to take the test, because she can demand the accommodations and modifications that she needs. If, however, the applicant is applying for an exemption via the N-648 waiver, the CIS might deny her the exemption on the grounds that, in their opinion, she ought to be capable of meeting the requirement as long as CIS makes reasonable accommodations.

---

### **Applicants Must Show that the Disability Makes It Impossible to Meet Each Requirement (English Language and History and Civics) Separately**

An applicant should not submit a general application to waive both the English and civics requirements. She must show specifically how her disability prevents her from meeting each or both requirements, depending upon which requirements she needs to waive.

For example, some people with disabilities may be able to learn the civics material but cannot master a new complex skill such as learning English. Others may have spoken English for years but are unable to master the list of questions about U.S. history and government, because of particular memory or concentration problems. Others may be unable to pass either test. In every case, the applicant must show specifically how the disability makes it impossible for her to meet the test or tests that she needs to have waived.

The CIS will only grant exceptions to applicants whose disabilities have so severely impaired the applicant's ability that the individual is unable to learn English and/or U.S. history and government, or from passing the English or U.S. history and civics tests. Thus, the CIS will not grant the waiver for someone who has a disability that does not completely impair the person's ability to speak or learn English and/or learn U.S. history and government such that the applicant cannot comply with the English and/or civics requirements. Such an individual will be required to take the English and civics tests to try to become a U.S. citizen.

**Example:** Sean Maloney is from Ireland and speaks fluent English. Sean has a disability preventing him from learning U.S. history and government. Although the CIS may waive the U.S. history and government test, they will not waive the English test because Sean speaks fluent English.

### **§7.9 Applying for the Disability Exceptions: Preparing the N-648 Form**

An applicant for a disability exception must submit a **medical certification form, CIS form N-648**, as documentation.<sup>54</sup> The CIS created the form N-648 specifically for the naturalization disability exemption. The form asks the applicant to provide some personal information. Most of the form, however, must be completed by the medical professional who has evaluated the applicant. In this section the medical professional must:

- Establish that he or she is familiar with the applicant's case and is capable of making a diagnosis of this disability;
- Make a diagnosis showing that the applicant has a disability (including a DSM Code if appropriate);

<sup>54</sup> Please see **Appendix 7-F** for a copy of Form N-648. NOTE: The September 2007 memorandum states that USCIS is revising form N-648 to detail and clarify eligibility requirements and to adjudicate the form, however as of this writing no new form has been introduced.

- Explain how person completing the form arrived at the anatomical, physiological, or psychological impairment diagnosis (including which medically acceptable diagnostic tests were used to reach the diagnosis);
- Explain how the disability makes it impossible for the applicant to meet the English and/or civics requirement ( i.e. the “nexus” between the disability and the inability to fulfill the English and/or US government history and civics requirements); and
- State under penalty of perjury that these statements are correct to the best of his or her knowledge.

The guideline providing that medical professionals explain how an impairment diagnosis was reached (including a description of the diagnostic test used in the case) was first mandated in the May 10, 2006 CIS memorandum,<sup>55</sup> and retained in the most recent memorandum that of September 18, 2007.<sup>56</sup>

### **Which Medical Professionals Can Complete the N-648?**

The N-648 medical certification may be completed only by a medical doctor (including a psychiatrist), a clinical psychologist or a doctor of osteopathy, who is authorized to practice in the United States including the US territories of Guam, Puerto Rico, and the Virgin Islands. Although the doctor must have expertise in diagnosing physical or mental impairments, it can be the applicant's own treating physician, so long as he or she has this expertise.

---

**IMPORTANT NOTE:** One of the more controversial features of the May 2006 CIS memo allowed the CIS Adjudications Officer (DAO) to refer the applicant to another authorized medical specialist for a second opinion – at the applicant’s own expense – in cases where the DAO saw “significant discrepancies” or had “credible doubt” about the N-648.<sup>57</sup>

---

<sup>55</sup> “Memorandum from Michael Aytes, Acting Associate Director, Domestic Operations. Adjudication of Form N-648, Medical Certification for Disability Exceptions to the Immigration and Nationality Act (INA) Section 312 Naturalization Requirements.” May 10, 2006. See **Appendix 7-I**, page 5.

<sup>56</sup> “Memorandum from Donald Neufeld, Acting Deputy Associate Director Domestic Operations Directorate, “Guidance Clarifying the Adjudication of Form N-648, Medical Certification for Disability,” September 18, 2007. See **Appendix 7-I**.

<sup>57</sup> 8 CFR 312.2(b) (2).

It was unclear from the language of the memorandum whether the fact that the DAO “shall refer” the applicant to the list of doctors means that the applicant must see a doctor on the list for the second opinion or can see another doctor instead.

The September 2007 memorandum slightly changes the wording of this section and states that each district or field office must provide the applicant with the contact information of the appropriate state medical board which maintains a list of licensed and board-certified medical professionals in the appropriate specialty area, such as psychiatrist, neurologist, or psychologist.”<sup>58</sup>

---

---

**PRACTICE TIP:** It remains unclear whether the applicant must see a doctor on the list. It is the position of the ILRC that INA section 312, specifically allows *clinical psychologists* to complete the N-648 even if they are not included on the state medical board’s list. (Clinical psychologists are only members of a state medical board when they also possess an M.D.) Advocates should be aware of the vagueness of the second-opinion provision and advise their clients to make an informed decision about choosing a medical professional to give a second opinion, if necessary. At least one CIS office, the San Francisco office, is interpreting the CIS memo to mean the applicant can get the second opinion from someone on the medical board or someone who is not on the medical board (such as a clinic psychologist).

---

---

### **How to Complete the N-648 Form**

The N-648 has a basic set of instructions for filling out the form along with an attachment of instructions describing, among other things, what is required for the naturalization examination. This information should help doctors determine whether the applicant can take and pass the exam or if a waiver is warranted.

The N-648 form requests brief biographical information from the applicant and an authorization to release medical records to the CIS. The bulk of the form is to be completed by the medical doctor or clinical psychologist. Most of the questions require brief answers except Question 3, which asks the doctor to (1) describe any of the applicant's disabilities that (2) prevent her from being able to learn English and/or U.S. history and government or from being able to pass the required exams. The doctor or

---

<sup>58</sup> “Memorandum from Donald Neufeld, Acting Deputy Associate Director Domestic Operations Directorate, “Guidance Clarifying the Adjudication of Form N-648, Medical Certification for Disability,” September 18, 2007. See **Appendix 7-I**, page 10.

psychologist should note whether the applicant should be exempted from both requirements, or just one.

**Example:** Franz has a severe learning disability that makes it impossible for him to learn English. Yet, Franz has a good memory so he has learned most of the 100 questions for the U.S. history and government exam. Franz's doctor wrote on the N-648 that although Franz's disability prevents him from learning English, Franz would be able to demonstrate that he knows enough U.S. government and history to pass the exam.

It is essential that this section of the N-648 include the following information:<sup>59</sup>

1. an explanation of the origin, nature, and extent of the applicant's medical condition, which is established and documented by medically acceptable clinical or laboratory diagnostic techniques, including a list of the medically acceptable clinical or laboratory diagnostic tests used in diagnosing the condition.;
2. an explanation of how the applicant's diagnosed medical condition or impairment so severely affects the applicant that it renders him/her unable to learn or demonstrate knowledge of English and/or United States history and government.
3. an attestation that the disability has lasted, or is expected to last, twelve months or longer; and
4. an attestation that the disability is not the direct effect of the use of illegal drugs.

---

**PRACTICE TIP:** The key to completing the form is to adequately address the above issues and to explain the "nexus" or cause- and- affect relationship, between the applicant's disability and the applicant's inability to demonstrate a sufficient knowledge of English and U.S. government and history. Doctors should not assume that just because they note that the applicant has a certain disability means the CIS will know that the disability will prevent the applicant from demonstrating English and U.S. history and government. Everything must be thoroughly spelled out for the CIS adjudicator adjudicating the case.

---

---

<sup>59</sup> "Memorandum from Donald Neufeld, Acting Deputy Associate Director Domestic Operations Directorate, "Guidance Clarifying the Adjudication of Form N-648, Medical Certification for Disability" September 18, 2007. See **Appendix 7-I**, page 9.

**Example:** Julie has mental retardation making it impossible for her to demonstrate sufficient knowledge of both English and U.S. history and government. Julie went to her doctor, Dr. Dolores, to complete the N-648. Instead of merely writing that Julie has mental retardation, Dr. Dolores also wrote how severe the mental retardation was, listed the diagnostic tests she used to determine that Julie has mental retardation, and discussed in significant detail exactly why the mental retardation actually keeps Julie from being able to learn English and U.S. government and history.

It may be difficult for many doctors to answer all the questions asked on the N-648 in the small boxes provided. Thus, it is probably necessary for the doctors to write, "See Attached Letter" in the spaces provided on the N-648 and attach a letter that answers all the questions.

### **Appropriate Role of the Adjudicator**

The adjudicator's role is to determine the sufficiency of the information contained in the N-648 to establish an applicant's eligibility for the disability exception. The adjudicator should assume that the medical professional's diagnosis is valid unless there is credible doubt about the veracity of the medical certification<sup>60</sup> and should not be making medical determinations.<sup>61</sup> Additionally, the adjudicator should consider any authoritative federal agency report or determination, such as a prior Social Security Administration determination of disability benefits or Department of State Record, in the applicant's record file that addresses the applicant's diagnosed medical conditions.<sup>62</sup> Generally, submission of extensive or additional medical records is not required. The September 2007 memorandum specifically states the adjudicator should not.<sup>63</sup>

- Require or recommend that an applicant complete specific medical, clinical, or laboratory diagnostic techniques, tests, or methods;

<sup>60</sup> "Memorandum from Donald Neufeld, Acting Deputy Associate Director Domestic Operations Directorate, "Guidance Clarifying the Adjudication of Form N-648, Medical Certification for Disability" September 18, 2007. See **Appendix 7-I**, page 3.

<sup>61</sup> "Memorandum from Donald Neufeld, Acting Deputy Associate Director Domestic Operations Directorate, "Guidance Clarifying the Adjudication of Form N-648, Medical Certification for Disability" September 18, 2007. See **Appendix 7-I**, page 2

<sup>62</sup> "Memorandum from Donald Neufeld, Acting Deputy Associate Director Domestic Operations Directorate, "Guidance Clarifying the Adjudication of Form N-648, Medical Certification for Disability" September 18, 2007. See **Appendix 7-I**.

<sup>63</sup> The Adjudicator's Field Manual (AFM) section 72.2(d)(5)(D)(2) as discussed in "Memorandum from Donald Neufeld, Acting Deputy Associate Director Domestic Operations Directorate, "Guidance Clarifying the Adjudication of Form N-648, Medical Certification for Disability," September 18, 2007. See **Appendix 7-I**.



- Develop and substitute his or her own diagnosis of the applicant's medical condition in lieu of the medical professional's diagnosis;
- Use questionnaires or tests to challenge each applicant's diagnosed medical condition as a routine practice; or
- Request or require an applicant's medical records solely to question whether there was a proper basis for the medical professional's diagnosis.

### **DAO Doubts About the Veracity of the Medical Certification**

The adjudicator may only request and review medical records to determine the veracity of the certifying medical professional's claims on the N-648 regarding how the medical professional reached the diagnosis, which may include verifying the completion and results of any medically acceptable clinical or laboratory diagnostic techniques. It is inappropriate for the adjudicator to request medical records solely to question whether there was a proper medical basis for the impairment. If the adjudicator has credible doubts about the veracity of the medical certification, the adjudicator should seek supervisory guidance from a supervisory officer (POC) before requesting additional medical records.<sup>64</sup>

Credible doubts may arise under the following circumstances:<sup>65</sup>

- The medical professional completing the Form N-648 is under investigation by FDNS, Immigration and Customs Enforcement, or other law enforcement agency, or a state medical board;
- The medical professional has a pattern of submitting Form N-648 with similar or "boiler plate" language that does not appear to reflect a case-specific analysis;
- Form N-648 was submitted more than six (6) months after it was completed by the medical professional;

<sup>64</sup> "Memorandum from Donald Neufeld, Acting Deputy Associate Director Domestic Operations Directorate, "Guidance Clarifying the Adjudication of Form N-648, Medical Certification for Disability," September 18, 2007. See **Appendix 7-I**, page 9.

<sup>65</sup> The Adjudicator's Field Manual (AFM) section 72.2(d)(5)(D)(3) as discussed in "Memorandum from Donald Neufeld, Acting Deputy Associate Director Domestic Operations Directorate, "Guidance Clarifying the Adjudication of Form N-648, Medical Certification for Disability," September 18, 2007. See **Appendix 7-I**, page 8.

- Form N-648 was completed by someone other than the certifying medical professional;
- Evidence in the record or other credible information available to the adjudicator indicates fraud or willful misrepresentation;
- The medical professional failed to conduct a personal examination of the applicant in the course of diagnosing the applicant's medical condition; or
- The medical professional neglected to conduct specific medical, clinical, or laboratory diagnostic techniques that are considered standard methods in diagnosing the applicant's medical condition.

According to the September 2007 memorandum, credible doubt may also arise when the applicant's conduct and responses at the interview "are inconsistent with the description of the applicant's diagnosed condition as described on the Form N-648 and other supporting documentation."<sup>66</sup>

---

**NOTE:** Some practitioners have reported that at least one CIS office has tended to deny N-648s in three distinct factual situations: 1) where a client had a disability when he immigrated to the U.S. and submitted an I-693 at that time, but did not include a mention of the disability described on the N-648 that he is submitting now that he is applying for naturalization; 2) where the applicant passed a driver's license test within the period that the N-648 states he already had the disability; and 3) where the applicant has been able to manage his/her own financial affairs.

It is the ILRC's position that just because an applicant falls under one of the above-mentioned categories doesn't automatically mean CIS should deny his/her N-648. If an applicant falls under the first category, the doctor should be prepared to address in the narrative whether the applicant's disability was addressed in the I-693, and/or clarify how the disability developed or worsened after the medical exam for the I-693. If an applicant falls under the second category, the doctor should specifically address whether the applicant passed or failed his/her driver's test during the period covered by the N-648, and if he/she passed the test, how the skills necessary to pass a driver's license exam can be distinguished from the skills necessary to meet his/her English and U.S. history and government naturalization requirements. Likewise, doctors should specifically mention whether the applicant is capable of managing his or her financial affairs, and if so,

---

<sup>66</sup> The Adjudicator's Field Manual (AFM) section 72.2(d)(5)(D)(3) as discussed in "Memorandum from Donald Neufeld, Acting Deputy Associate Director Domestic Operations Directorate, "Guidance Clarifying the Adjudication of Form N-648, Medical Certification for Disability," September 18, 2007. See Appendix 7-I, page 7.



describe how the skills necessary to do so can be differentiated from the skills necessary to meet the naturalization requirements and whether these skills were developed before the advent of the disability.

---

### **§ 7.10 How Advocates, Doctors, and Social Workers Can Work Together**

Notwithstanding the fact that many doctors are extremely busy, it is essential that advocates make them aware of the *significant* detail CIS requires to approve the disability waiver. Practitioners should look to develop relationships with the doctors of their clients, and might even help the doctors complete the N-648 form. It is helpful to send a sample N-648 to the doctor, review a draft of a N-648 that the doctor has completed, and then give the doctor input to assist her in finalizing the form. Sometimes it is necessary to suggest some of the actual language for the doctor to use and some attorneys actually draft the text for the medical professional to use as a basis for completing the N-648. Because the Adjudicator's Field Manual section 72.2(d)(5), as discussed in the September 2007 memorandum, makes it clear that significant and specific detail is required in the description of the nexus between disability and inability to take the test, practitioners may want to share examples of the patient's symptoms/behavior with the doctor, so that the doctor may include them in the N-648. The practitioner may wish to explain the typical ways in which candidates for naturalization learn English and civics (through ESL programs, private tutoring, English language television, audio tapes and the like) so that the doctor can consider the skills necessary for assimilating information in that way, and clarify the applicant's incapacity for doing so.

Additionally, a client's social worker or caseworker can be instrumental in helping a doctor complete a thorough N-648. Because social workers and caseworkers have many clients who need N-648 forms completed, the worker can become experienced in what is necessary to complete these forms. Case workers and social workers are well versed in the disabilities that their clients have, and thus can be the bridge between the medical and legal problems that a client has. Many times it is the social worker that has suggestions for the doctor on how to describe the impediment the disability is causing on the applicant on the N-648. Practitioners must take advantage of a client's social worker.

**Example:** Yen is a paralegal helping her client who has a disability apply for naturalization. Yen asks her client for the phone number of the client's social worker. After a phone conversation, Yen and the social worker agree that the social worker will work closely with the doctor to complete the N-648. They agreed to do this because the social worker has helped many others complete their N-648s, she has a relationship with the doctor already, and she is very knowledgeable about the client's condition.

**PRACTICE TIP:** In the past, CIS Headquarters has encouraged CIS District Offices to schedule meetings with local doctors, medical associations and medical centers that help immigrants and to carryout informational trainings on how to correctly complete the N-648. Advocates working with people with disabilities should pressure their local medical associations and the local CIS office to conduct such trainings. This is especially true given the fact that a poorly prepared N-648 creates a suspicion of fraud with many adjudicators.

## **§ 7.11 Applying for the Disability Exceptions: Procedural Issues**

### **Timing and Multiple Submissions**

Under the regulations, applicants are required to submit the N-648 with their N-400 forms.<sup>67</sup> In practice, however, the N-648 may be submitted with the N-400 application, prior to the interview, or during the interview. Some offices and examiners may allow an applicant to submit the N-648 after the initial interview if it becomes apparent that the applicant needs one.

The September 2007 memorandum states that CIS will continue to consider N-648s that have been filed after the N-400 application. However, the submission of late and/or multiple form N-648s may be considered in determining whether there are credible doubts about the veracity of the medical certification or to justify additional scrutiny. Late or multiple submission will not, by itself, be sufficient grounds to reject a request for an exception, however, the multiple submission of Form N-648 can cast doubt on credibility if there are discrepancies between and among the multiple submissions.<sup>68</sup>

The N-648 must be filed within six months of when it is completed and signed. It is important to note that once the N-648 is submitted, it does not expire.<sup>69</sup> A second or amended N-648 is valid as long as it is submitted to the CIS on the date specified in the N-14, regardless of whether that date is more than six months from the date that it was signed.<sup>70</sup>

<sup>67</sup> 8 CFR § 312, Federal register Vol. 62, No. 53, 12923.

<sup>68</sup> The Adjudicator's Field Manual (AFM) section 72.2(d)(5)(C)(2) as discussed in "Memorandum from Donald Neufeld, Acting Deputy Associate Director Domestic Operations Directorate, "Guidance Clarifying the Adjudication of Form N-648, Medical Certification for Disability," September 18, 2007. See **Appendix 7-K**.

<sup>69</sup> Instructions for Form N-648, **Appendix 7-F**.

<sup>70</sup> "Memorandum from Michael Aytes, Acting Associate Director, Domestic Operations. "Adjudication of Form N-648, Medical Certification for Disability Exceptions to the Immigration and Nationality Act (INA) Section 312 Naturalization Requirements," May 10, 2006. See **Appendix 7-I**, page 3.

---

**NOTE:** The September 2007 memorandum states that a properly submitted N-648 is valid indefinitely “unless the adjudicator determines that the N-400 applicant doesn’t qualify for the exemption.”<sup>71</sup>

---

### **How will the CIS adjudicate the waiver request?**

Significantly, AFM section 72.2(d) (5) gives CIS DAOs an enhanced role in assessing the credibility of the N-648.<sup>72</sup> Prior to May 2006, the DAO was not permitted to deny the existence of a disability by questioning the doctor’s diagnosis, and was not allowed to require that applicants undergo specific medical tests, provide information about their medication, or seek out alternative medical referral services. Currently, DAOs are to presume the doctor’s diagnosis valid “unless there is credible doubt about the veracity of the medical certification.”<sup>73</sup> The DAO is now permitted to refer the applicant to the state medical board to see another authorized medical specialist for a second opinion (at the applicant’s own expense):

Please recall from §7.9 that there is some ambiguity about the “second opinion” policy. It is unclear whether it is mandatory that the applicant choose a medical professional from the state medical board listing. In fact, if choosing a new doctor from the list is mandatory, that would seem to contradict CIS policy from elsewhere in the same memo, which clearly states that medical doctors, doctors of osteopathy and clinical psychologists are **all** qualified to complete the N-648, where they “have appropriate experience and qualifications” to diagnose and assess the claimed disability.<sup>74</sup> Most clinical psychologists do not possess M.D.s and are therefore ineligible for a state’s medical board. In addition, in the state of California, doctors of osteopathy also have a separate state licensing board from medical doctors, though they are accorded equal professional status and full privileges as physicians and surgeons. Nevertheless, if an

---

<sup>71</sup> “Memorandum from Donald Neufeld, Acting Deputy Associate Director Domestic Operations Directorate, “Guidance Clarifying the Adjudication of Form N-648, Medical Certification for Disability,” September 18, 2007. See **Appendix 7-I**, page 4.

<sup>72</sup> The Adjudicator’s Field Manual (AFM) section 72.2(d)(5)(C)(2) as discussed in “Memorandum from Donald Neufeld, Acting Deputy Associate Director Domestic Operations Directorate, “Guidance Clarifying the Adjudication of Form N-648, Medical Certification for Disability,” September 18, 2007. See **Appendix 7-I**, page 8.

<sup>73</sup> The Adjudicator’s Field Manual (AFM) section 72.2(d)(5)(D)(3) as discussed in “Memorandum from Donald Neufeld, Acting Deputy Associate Director Domestic Operations Directorate, “Guidance Clarifying the Adjudication of Form N-648, Medical Certification for Disability,” September 18, 2007. See **Appendix 7-I**, page 6.

<sup>74</sup> “Memorandum from Michael Aytes, Acting Associate Director, Domestic Operations. “Adjudication of Form N-648, Medical Certification for Disability Exceptions to the Immigration and Nationality Act (INA) Section 312 Naturalization Requirements.” May 10, 2006. See **Appendix 7-I**, page 3.

applicant is required to seek a second opinion by a DAO's doubts about the veracity of her original N-648, her advocate should explain this situation to her and allow the applicant to make an informed opinion about from who to seek a second opinion until CIS policy on this subject becomes more fully clear. It is the ILRC's position that applicants must be allowed to choose a doctor of osteopathy and/or psychology for the second opinion even if the osteopath or psychologist isn't on the state's medical board list.

According to the May 10, 2006 CIS memo, if the N-648 is submitted at the time of the interview, the examination may be continued (that is, postponed) pending the adjudication of the waiver. However, if the DAO doesn't postpone the examination, it is the ILRC's position that the DAO must first review and adjudicate (that is, grant, deny, or request additional information) the N-648 before proceeding with the interview. If the DAO does not take the opportunity at the outset of the interview to determine whether the N-648 is approved, advocates and applicants should demand that s/he does so. Some offices have had a policy of "letting the applicant try to pass the exam before proceeding with the N-648." Advocates should pressure CIS offices to end such practices because, had the doctor evaluating the applicant thought that the applicant was capable of passing the naturalization exam, s/he would not have prepared an N-648 for the applicant. Forcing an applicant who has a disability to engage in an activity that s/he is medically unable to do will frustrate the applicant and it is not an empowering experience. To analogize, expecting a person to pass an exam s/he is medically unable to pass, is like requiring a person using a wheelchair to first try to use the stairs before allowing him/her to use the elevator. If the DAO is resistant, the practitioner should point out the April 7, 1999 CIS memo clearly states that the examining officer must review the N-648 for sufficiency before proceeding with the interview. (See **Appendix 7-E**.) While the May 10, 2006 memo states that it supersedes the April 1998 memo, it does not contradict or even discuss the April 1998 guideline on this point.

---

**NOTE:** The September 18, 2007 is silent on the issue of postponement of the interview pending adjudication of the waiver. As such, advocates and applicants should continue to consider the arguments stated above.

---

Under 8 CFR 312.5, applicants should have two opportunities to meet the naturalization requirements.<sup>75</sup> If the adjudicator decides that the N-648 contains all of the required information, she will grant the disability exception request and proceed to ask questions regarding the N-400. An adjudicator who does not believe that the N-648 was properly completed must then present the applicant with a choice between

---

<sup>75</sup> "Memorandum from Michael Aytes, Acting Associate Director, Domestic Operations. "Adjudication of Form N-648, Medical Certification for Disability Exceptions to the Immigration and Nationality Act (INA) Section 312 Naturalization Requirements." May 10, 2006. See **Appendix 7-I**, page 6.

proceeding with testing on English and civics or being rescheduled for re-examination. If the applicant opts for re-scheduling or proceeds with testing and fails, the DAO must issue a Form N-14 stating specifically why the disability waiver submitted is not sufficient and schedule the applicant for re-examination within 45 days of when the applicant responds to the N-14 or file a new N-648.<sup>76</sup>

In cases where the N-648 is not approved, the CIS must tell the applicant that his/her waiver is going to be denied and offer the applicant the opportunity to be tested on English and civics.<sup>77</sup> Whether the person is tested or not, the CIS will count the initial appointment as one of the two opportunities the person has to satisfy the testing requirements.<sup>78</sup> An applicant whose N-648 is not approved and who does not pass the English and U.S. history and government examinations will be scheduled for his second interview, at which time s/he will have a second opportunity to either present a sufficient N-648 or attempt to pass the examination.<sup>79</sup> Some CIS offices may require the applicant to mail in the amended N-648 before the appointment, while others may require the applicant to bring the N-648 to the interview. You should verify local practices by contacting your local CIS district office. If the applicant's N-648 is denied during the second interview and the applicant cannot pass the English and civics tests during the second interview, then the CIS will deny the N-400 application.<sup>80</sup> The applicant would then have a final opportunity to review the denial of the N-648 in the context of a 336 hearing (appeal), named for Section 336 of the INA, which provides the right to a rehearing on the denial of the Form N-400. The September 2007 memo makes clear that the applicant may still submit new evidence for review at the 336 hearing, including a new N-648 application.<sup>81</sup>

---

<sup>76</sup> AFM section 72.2(d)(5) (E)(5) "Memorandum from Donald Neufeld, Acting Deputy Associate Director Domestic Operations Directorate, "Guidance Clarifying the Adjudication of Form N-648, Medical Certification for Disability" September 18, 2007. See **Appendix 7-I**, page 10.

<sup>77</sup> AFM section 72.2(d)(5) (E)(6) "Memorandum from Donald Neufeld, Acting Deputy Associate Director Domestic Operations Directorate, "Guidance Clarifying the Adjudication of Form N-648, Medical Certification for Disability" September 18, 2007. See **Appendix 7-I**, page 1.

<sup>78</sup> AFM section 72.2(d)(5) (E)(6) "Memorandum from Donald Neufeld, Acting Deputy Associate Director Domestic Operations Directorate, "Guidance Clarifying the Adjudication of Form N-648, Medical Certification for Disability" September 18, 2007. See **Appendix 7-I**.

<sup>79</sup> AFM section 72.2(d)(5) (E)(6) "Memorandum from Donald Neufeld, Acting Deputy Associate Director Domestic Operations Directorate, "Guidance Clarifying the Adjudication of Form N-648, Medical Certification for Disability" September 18, 2007. See **Appendix 7-I**, page 6.

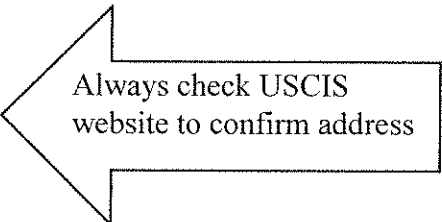
<sup>80</sup> AFM section 72.2(d)(5) (E)(7) "Memorandum from Donald Neufeld, Acting Deputy Associate Director Domestic Operations Directorate, "Guidance Clarifying the Adjudication of Form N-648, Medical Certification for Disability" September 18, 2007. See **Appendix 7-I**, page 10.

<sup>81</sup> AFM section 72.2(d)(5) (E)(6) "Memorandum from Donald Neufeld, Acting Deputy Associate Director Domestic Operations Directorate, "Guidance Clarifying the Adjudication of Form N-648, Medical Certification for Disability" September 18, 2007. See **Appendix 7-I**, page 10.

## Sample 90 Day Inquiry

January 31, 2011

U.S. Citizenship and Immigration Services  
St. Paul Field Office  
2901 Metro Drive, Ste. 100  
Bloomington, MN 55425



Always check USCIS  
website to confirm address

**ATTN: NATURALIZATION CASE INQUIRY**

**RE: CLIENT NAME  
A #**

Dear Examiner XXXX:

I am the attorney of record in the naturalization case of Mr. XXXX. On DATE, you interviewed Mr. XXXX on his naturalization application. At his interview, he passed the English and Civics requirements. To date we have had no further information on a decision in this case.

Please contact me if you need any additional information from Mr. XXXX. Please issue a decision in his case as soon as possible.

Thank you for your attention. We look forward to your reply.

Sincerely,

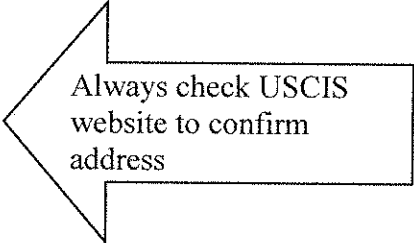
ATTORNEY NAME  
TITLE

Cc: CLIENT NAME

## Sample 120 Day Inquiry

December 11, 2008

USCIS  
2901 Metro Drive, Suite 300  
Bloomington, MN 55425



Always check USCIS  
website to confirm  
address

**ATTN: NATURALIZATION CASE INQUIRY  
DECISION REQUIRED UNDER 8 CFR §335.3(a)**

**RE: XXXXX, RAUL  
A09X-1X8-XXX**

Dear Examiner;

Mr. XXXX was interviewed on his naturalization application on May 1, 2008. At his interview, he passed the English and Civics requirements, and we were told that a decision on the case could not be made at that time since the A-file was not present. To date we have had no further information on a decision in this case.

As of September 1, 2008, your office was required to render a decision in this case pursuant to 8 CFR §335.3(a) which clearly sets forth that “[a] decision to grant or deny the application shall be made at the time of the initial application or *within 120-days after the date of the initial examination* of the applicant for naturalization under §335.2 (emphasis added).

Please issue a decision upon receipt of this letter.

Thank you for your attention. We look forward to your reply.

Sincerely,

Cynthia L. Anderson  
Accredited Representative

Cc: Raul XXXX