

SUPPORTING STATEMENT

Medical Certification for Disability Exceptions

(Form N-648)

OMB No. 1615-0060

A. Justification.

1. Section 312(a) of the Immigration and Nationality Act (the Act) requires applicants for naturalization to demonstrate a knowledge and understanding of the form of government and history of the United States. Section 312(b)(1) of the Act allows an exception in the case of persons who, because of a physical or developmental disability or mental impairment, are unable to comply with the requirements of section 312(a) of the Act. In order to determine whether applicants for the above named exception to the section 312 requirements are qualified to receive that benefit, the U.S. Citizenship and Immigration Services (USCIS) regulations at 8 CFR 312.2(b)(2) require them to submit a Form N-648, Medical Certification for Disability Exceptions, from a licensed health care provider (medical or osteopathic doctor or clinical psychologist), affirming the existence of a medical condition warranting the exception, as part of their application for naturalization.
2. The USCIS uses the Form N-648 to substantiate a claim for an exception to the requirements of section 312(a) of the Act. Since the USCIS adjudications officers who determine the applicants' eligibility for naturalization are not themselves medical professionals, they must rely on an accurate and complete documentation furnished by the authorized health care provider in order to make a well founded decision whether the

exception to the section 312 (a) requirements is warranted in that case.

3. The use of this form currently provides the most efficient means for collecting and processing the required data. In this case USCIS does not employ the use of information technology in collecting and processing information. Form N-648 has been scheduled for e-filing under the Business Transformation Project.
4. A search of USCIS automated forms tracking system was accomplished and revealed no duplication. There is no similar data collected.
5. This collection of information does not impact small businesses or other small entities.
6. If the information is not collected, the adjudicating officer will be unable to determine whether the applicant is qualified for the exemption.
7. There are no special circumstances applicable to this information collection.
8. USCIS published a Federal Register notice on April 14, 2008, at 73 FR 20058, inviting public comments for a 60-day period regarding a proposal to revise Form N-648, Medical Certification for Disability Exceptions. In response to this notice written comments were received from four organizations. Those comments are summarized and discussed below.

General Comments

One commenter expressed a view that the current format of the N-648 could remain workable, with the addition or refinement of specific information. The other three commenters advocated a more extensive overhaul of both content and format. The commenters took particular note that the May 10, 2006 and September 18, 2007 supplementary guidance memoranda needs to be addressed in the Form N-648 in order to

avoid confusion or misunderstanding among applicants and the medical professionals who prepare the certifications. Two of those commenters recommended that if USCIS expects to continue implementing the aforementioned guidance memoranda, the form should be revised to reflect that guidance in more detail. They favored a comprehensive revision to ensure that the applicants and the medical professionals who prepare it are made aware of the kind and quality of evidence that USCIS expects in making an acceptable certification. The commenters suggested that, by ensuring that such information is more clearly indicated in the revised Form N-648, significant delay and disappointment can be avoided. USCIS generally agrees with the reasoning of the comments, most of which have been discussed on previous occasions. Consequently, the agency anticipated many of those concerns and has revised the Form N-648 to address them.

Some commenters expressed additional opinions regarding the extent to which the May 2006 and September 2007 USCIS memoranda should affect the contents of a revised Form N-648. In the view of one commenter the recent guidance memoranda exceeded the “adjudicative bar,” or burden of proof, set forth in the underlying regulation at 8 CFR 312.2(b)(1); that commenter particularly objected to the suggestion in the memoranda that diagnostic tests may in some cases be reasonable evidentiary support for claimed disabilities, and that it was improper to elaborate on the term “credible doubt” by providing examples of grounds for that term. USCIS disagrees with the commenter. The instructions cited in the referenced memoranda do not exceed the regulatory authority but serve to clarify their implementation and the underlying naturalization statutes. USCIS

has taken care not to impose evidentiary requirements in Form N-648 beyond what is needed for a medical certification.

Two commenters stressed the importance of explaining the eligibility requirements for the N-648 disability exception so all parties can avoid the filing of invalid certifications. The USCIS has revised the form to address that concern.

Two commenters recommended revision of the form to elicit detailed information from the medical professional as to how they reached their diagnosis or conclusion. USCIS has incorporated this into the revised N-648.

Another point of emphasis with two commenters was a need for more explicit language to elicit better explanations of the nexus between the applicant's disability and the alleged incapacity to learn or demonstrate the required competence in the English and civics tests for naturalization, and another item calling upon the medical professionals to disclose their experience and qualifications to make such evaluations. USCIS is not making those changes in this version of the form but will consider those improvements in the future revisions of Form N-648.

Three commenters expressed concern that information or evidence to support the medical professional's certification should not be demanded for those disability conditions in which a diagnosis is not typically susceptible to such evidence. The form has been revised to encourage the submission of evidence in cases where such evidence is appropriate and helpful, without requiring it in cases where it is not necessary.

One commenter suggested that the improvement of standards for evaluating the claimed disabilities is even more important than changes in the form itself. USCIS hopes

to achieve both objectives by amending the instructions and form so that it is a better guide to preparers of the certifications and the officers who must evaluate and adjudicate them.

One commenter recommended that the new Form be tested on a significant number of medical professionals of varying degrees of experience with N-648 certifications. It is impracticable for USCIS to carry out a statistically useful sampling of medical professionals at this time. However, medical professionals as well as other members of the public are invited to express their opinions of the contents and format of the proposed Form N-648 during the 30 day comment period. Their comments will be considered.

Specific Comments:

One commenter urged encouraging typed information on the N-648 forms. The revised N-648 will include the option of being filled out electronically.

Commenters offered a variety of other specific content recommendations such as the elimination of certain anomalous language; an additional discussion of reasonable accommodations; the significance of collateral disability claims; other items designed to make details regarding the claimed disability more explicit for the naturalization officer; the use of a particular rating scale for dementia cases; and the development of additional public information sheets such as “Frequently Asked Questions” for the information of prospective applicants and the medical professionals who prepare the form. USCIS adapted a number of these recommendations in the revised N-648. The revised form will be displayed for public comment in the Federal Register after submission to OMB for 30

days. USCIS may revise the form further based on the public comments received on that publication.

9. The USCIS does not provide payments or gifts to respondents for a benefit sought.

10. There is no assurance of confidentiality.

11. There are no questions of a sensitive nature.

12. **Annual Reporting Burden:**

a.	Number of Respondents	20,000
b.	Number of Responses per each Respondent	1
c.	Total Annual Responses	20,000
d.	Hours per Response	2
e.	Total Annual Reporting Burden Hours	40,000

Annual Reporting Burden

The annual reporting burden is 40,000. This figure was derived by multiplying the number of respondents (20,000) x frequency of response (1) x 2 hours per response.

13. There are no capital or start-up costs associated with this information collection. There is no fee charge associated with this collection.

14. Annualized Cost Analysis:

a.	Printing Cost	\$ 3,600
b.	Collecting and Processing	\$ 196,400
c.	Total Cost to Program	\$ 200,000
d.	Fee Charge	0
e.	Total Cost to Government	\$ 200,000

Government Cost

The estimated cost of the program to the Government is \$ 200,000. This figure is calculated by using the estimated number of respondents (20,000) multiplied by 15 minutes (.25) (time required to collect and process information) x \$40 (Suggested average hourly rate for clerical, officer, and supervisory time with benefits). In addition, this figure includes the estimated overhead cost for printing, stocking, and distributing the form.

Public Cost

The estimated annual public cost is \$ 400,000. This figure is based on the total number of respondents 20,000 x 2 (hours per response) x \$10 (average hourly rate).

15. There is no increase or decrease in the estimated burden hours previously reported for this collection of information. However the annual public cost is reduced by \$207,200,000. In USCIS' last submission it mistakenly submitted the government cost instead of the annual public cost. Since there is no fee, the public cost should have been zero.
16. The USCIS does not intend to employ the use of statistics or the publication thereof for this collection of information.
17. The USCIS will display the expiration date of this form.
18. The USCIS does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods.

Not Applicable.

C. Certification and Signature.

PAPERWORK CERTIFICATION

In submitting this request for OMB approval, I certify that the requirements of the Privacy

Act and OMB directives have been complied with including paperwork regulations, statistical standards or directives, and any other information policy directives promulgated under 5 CFR 1320.

Stephen Tarragon,
Acting Chief,
Regulatory Management Division,
U.S. Citizenship and Immigration Services.

Date