

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) of the Act requirement is warranted in that case. Over the past several years USCIS has received significant, negative feedback from various stakeholders regarding Form N-648. External stakeholders have voiced concern that Form N-648, as written, is confusing and requests information that is neither required nor permitted under the regulations. In an effort to address these concerns, the Director, USCIS, initiated an in depth evaluation of Form N-648 process, including a review of the form. To ensure that the public is able to provide active input, USCIS hosted several town halls with external stakeholders including medical professionals. The revised form is intended to be clearer, and less confusing to applicants who would like to receive a medical waiver. The revision will not reduce the burden on the public but will reduce the number of incomplete forms being submitted by applicants (See attached table of changes).

3. The use of this form currently provides the most efficient means for collecting and processing the required data. This form can be completed electronically but cannot be transmitted electronically. If the form is completed electronically, it must be printed and submitted with the filing of the Form N-400, Application for Naturalization, or at the time of the interview. 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. On October 14, 2008, the Office of Management and Budget (OMB) approved a revision to the Form N-648, with the following terms of clearance:

- (1) USCIS was to assess the number of cases that USCIS adjudications officers requested additional information, and then revise the form to reduce the burden.

- (2) USCIS was to provide better explanations between an applicant's disability and incapacity to take the naturalization tests.

USCIS took a number of steps to address OMB's concerns. USCIS initiated and implemented internal surveys with one analyzing the reasons USCIS adjudications officers continued cases, and another reviewing the intent and clarity of each question on the form. It was determined that a case may be continued because the applicant submitted an incomplete form (i.e., Form not signed, portions of the form not completed, medical professional didn't address why applicant's condition related to ability to demonstrate a knowledge of U.S. history/civics), or the disability was not explained adequately. USCIS' Office of Public Engagement also initiated several town hall meetings with external stakeholders, including Community Based Organizations and medical professionals. Those involved in the town hall provided active feedback regarding form revisions and improvement to benefit the applicant as well as the medical professional. The meetings were held on October 8, October 23, and November 13, 2009. Stakeholders appeared in person or called in by telephone. Based on the feedback,

USCIS revised the form so that the medical professional can clearly understand what we are asking for in explaining the nexus so that when an adjudicator reviews the completed form the case is less likely to be continued for additional information. USCIS incorporated comments from both USCIS staff and members of the public to improve the form to comply with OMB's terms of clearance.

On February 1, 2010, USCIS published a 60-day notice in the Federal Register at 75 FR 5099 requesting comments from the public. On May 28, 2010, USCIS published a 30-day notice in the Federal Register at 75 FR 30050. USCIS received comments from three commenters on the 60-day notice. The following is a description of those comments and those that were adopted by USCIS and those that were not adopted.

Adopted:

- USCIS incorporated public comments to provide the definition of a medical professional on page 1 of the Form in the “Part II. Medical Professional Information Section.”
- USCIS incorporated public comments to revise the “Who Should Submit this Form and When?” Instructions for Form N-648, page 1 to read “An application for naturalization seeking an exception to the English and civics requirements because of a physical or developmental disability or mental impairment, should submit this form at the time he or she files an N-400, Application for Naturalization with USCIS.”
- USCIS incorporated public comments to revise the “General Instructions” section in the Instructions for Form N-648, page 2 by deleting the paragraph beginning with

“All parts of this form...” as it repeats references mentioned in “How to Complete this Form” section on page 1.

- USCIS incorporated public comments to renumber the Form at Part III, Questions 3-5, 8 and 9 all state “regarding the condition(s) listed in number **3**” to state “number 1” instead.
- USCIS incorporated public comments to delete “days” in Part III, Question 5, while keeping reference to “years” and “month” because the information is an important part of the review process.
- USCIS incorporated public comments to clarify language in the medical professional’s certification to request the type of photographic identity document the applicant presented to the physician
- USCIS incorporated public comments to revise the following sentence in the Applicant (Patient) Attestation/ Release of Information by saying “I certify under penalty of perjury, pursuant to Title 28, U.S.C. Section 1746, that the information I provided to the medical professional is true and correct.”
- USCIS incorporated public comments to revise Part III Question 3 to say “Question 11. In your professional medical opinion, which of the following requirements is the applicant unable to demonstrate as a result of his or her disability and/or impairment(s)? (Check all that apply. If none applies, the applicant is not eligible for this exception and you need not complete the remainder of the questions. Please go directly to the “Medical Professional’s Certification.”)”

Not Adopted:

- Public comments suggested referencing nurses who are associated with the medical professional as able to complete the form. USCIS did not include the reference. The medical professional's staff, which may include nurses who are supervised by that medical professional, are able to complete the form.
- Public comments suggested combining "How to Complete this Form" with "General Instructions." USCIS did not do so. "How to Complete this Form" specifically refers to the Form N-648 while "General Instructions" refers to instructions noted in form submission.
- Public comments suggested incorporating due consideration when reviewing the Form N-648. USCIS did not do so. Per 8 CFR 312.2 (c)(2), due consideration pertains to the history and government examination, but not to the medical exception.
- Public comments requested an additional example. USCIS has decided to maintain one example within the instructions for it provides adequate explanation to complete the form. More than one example may confuse the public due to the uniqueness of each diagnosis.
- Public comments suggested USCIS not obtain information related to regularly treating medical professionals. The data is necessary to obtain information about the regularly treating medical professional because it is an important part of the form review process.
- Public comments suggested deleting information required about interpreters. USCIS is requesting information related to interpreter assistance during the exam related to

the N-648 form completion. This information is necessary due to past instances of fraud related to interpreters. However, USCIS incorporated reference in the interpreter's certification to situations where medical professionals may use phone lines for translation. USCIS also included language with reference to the specific interpreter who assisted in the examination that formed the basis for the N-648 medical waiver.

- Public comments suggested moving Questions 8 - 10 directly under Part III, Questions 1 and 2. USCIS has decided to maintain the question format because it is organized better for the medical professional.
 - Public comments stated that Question 3 and Question 5 are asking for the same information therefore should be integrated together. USCIS feels that the questions ask for different information. Question 3, requires information related to the first exam, while Question 5, requires information related to the timeframe the medical professional has been regularly treating the applicant.
 - Public comments suggested that the N-648 could pertain to fulfilling the English or civics requirements. Per section 312(b)(1) of the Immigration and Nationality Act, applicants are not required to fulfill the English **and** civics requirements if the person is unable to do so because of physical or developmental disability or mental impairment(s) even though public comment states that the medical waiver pertains to English or civics requirements.
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.
16. The USCIS does not intend to employ the use of statistics or the publication thereof for this collection of information.
17. DHS will display the expiration date for this information collection.
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.

Sunday Aigbe,
Chief,
Regulatory Products Division,
U.S. Citizenship and Immigration Services.

Date