

The Application for Naturalization (Form N-400) provides the ultimate benefit that a person may seek, United States citizenship.

On December 20, 2012, USCIS published a 60-day information collection notice in the Federal Register Volume 77, Number 245, pages 75440-75441. USCIS received 310 comments from 31 commenters on the 60-day notice. Commenters included stakeholders such as: attorneys, citizenship program directors, English as a Second Language (ESL) instructors, representatives of international institutes and immigrant aid societies, as well as the general public. The following is a discussion of the comments and USCIS' responses:

Instructions

Purpose of Form

1. **One (1)** commenter pointed out confusing verbiage in the sentence, "This form is an application for to become a naturalized U.S. citizen."

Response: USCIS appreciates this comment and has removed the word "for" in this sentence.

Guide to Naturalization

2. **Two (2)** commenters suggested the form include the option for applicants to request a copy of the *Guide to Naturalization* (M-476) by calling the National Customer Service Center 1-800 number, to accommodate individuals who do not have access to the internet.

Response: The Form M-476(rev. 3/12) *A Guide to Naturalization* is no longer in print; therefore, uscis.gov is the best resource available to the public for obtaining the *Guide*. Those lacking internet access may be able to use a computer at a public library.

General Eligibility Requirements

3. **One (1)** commenter recommended referring to the three- and five-year statutory periods in the instructions, or indicating 'See M-476 for more details.'

Response: USCIS refers to Form M-476 at the beginning of the form instructions to let applicants know that it is accessible. Due to the length of the Immigration and Nationality Act related to naturalization, USCIS refers to a "required period of time" in the instructions. However, USCIS does specify the required statutory periods in Part 1 of the naturalization application itself.

4. **One (1)** commenter requested clarification in this section that applicants must be at least 18 years of age, "because the proposed statement 'You are 18 years of age at the time of filing' may lead some applicants to believe wrongly that one may not apply at any age but 18." The commenter also noted that Part 1 of the form uses the phrase 'I am at least 18 years old...', and recommended that the instructions use language consistent with the form.

Response: USCIS appreciates this recommendation, and has edited the verbiage on the instructions to correspond to the form.

5. **One (1)** commenter recommended there indication “that each eligible applicant must file his/her own application. Confusion might otherwise arise due to the references to and collection of information pertaining to family members in Parts 5, 9 & 10.

Response: Information concerning family members, spouses, and children of naturalization applicants has always been collected on Form N-400. The issue of individual applications has not arisen to date. There is no indication on either the current version, or the proposed Form N-400, that entering information about family members includes them in the naturalization process; therefore, the recommendation will not be adopted.

6. **One (1)** commenter suggested inserting the word “additional” after “each,” to clarify what information is needed on continuation sheets.

Response: USCIS appreciates this suggestion, and has made this change.

7. **Two (2)** commenters pointed out a typographical error: “require period of time” should be corrected to “required period of time.”

Response: USCIS appreciates this notice, and has corrected this error on the form.

8. **One (1)** commenter suggested that the following language should be added in bold to requirement 9: “ ...or a waiver based on a physical or developmental disability or mental impairment.”

Response: This section of the form deals with general requirements only. Medical exceptions from the English and civics testing requirements are addressed in greater detail on page 2 of the instructions.

9. **One (1)** commenter indicated that the instructions "do not specify that a person can apply three months prior to establishing eligibility based on the five-year or three-year residence requirement."

Response: The instructions for Form N-400 will be updated with this information to explain that an applicant filing under the general naturalization provision may file his or her application up to 90 days before he or she would first meet the required 5-year period of continuous residence as a lawful permanent resident (LPR). Applicants filing as the spouse of a United States citizen under section 319(a) of the Immigration and Nationality Act (INA) may file up to 90 days before meeting the required 3-year period of continuous residence as an LPR. Although an applicant may file early according to the 90 day early filing provision, the applicant is not eligible for naturalization until he or she has reached the required three or five-year period of continuous residence as an LPR. In addition, applicants applying under section 319(a) of the INA must meet all other requirements as the spouse of a United States citizen at the time of filing the Form N-400.

Naturalization Testing

10. **Two (2)** commenters pointed out a typographical error in the second Note on page 2, which refers to Part 2, Item Number 12 of the Form N-400. The correct item number (regarding the medical waiver) is 11.

Response: USCIS appreciates this notice, and has updated the form to reference the correct item number.

Members of the U.S. Armed Forces

11. **One (1)** commenter suggested there should also be information for individuals applying for naturalization based upon military service in the past.

Response: Part 1 of Form N-400 simply lists "I am applying on the basis of qualifying military service" and does not specify any specific "qualifications."

The instructions to Form N-400 direct members of the U.S. Armed Forces to USCIS guide M-599, *Naturalization Information for Military Personnel*, where all eligibility requirements for naturalization based on military service are listed.

Who Should Not File Form N-400

(No comments received for this section)

General Instructions

12. **One (1)** commenter suggested inserting the word "additional" after the word "each" in this sentence: "You must provide the following information on the top of each sheet of paper."

Response: USCIS appreciates this suggestion, and has made the recommended change.

Specific Form Instructions

13. **One (1)** commenter stated that the proposed form should have specific instruction to allow applicants to indicate "unknown" as a response to a question "to allow applicants to respond truthfully and accurately while also not causing undue delay in the completion of a naturalization application." The commenter indicates that "due to the myriad of applicants' experiences, 'unknown' may be the appropriate response to a question. This should be allowed to save applicants from going through the heavy burden of trying to obtain information that cannot be readily obtained. This would result in discouraging eligible immigrants from undergoing the naturalization process. Applicants may not know information regarding their parents, especially if the parent(s) are deceased, or the applicant does not have a relationship with the parent."

Response: The information requested on Form N-400 is necessary to make determinations of good moral character, continuity of residence, and general eligibility to naturalize as defined under section 316 of the Immigration and Nationality Act (INA). Adding the option

to check 'unknown' will cut off the line of inquiry needed to make those determinations. Form N-400 does indicate that "N/A" or "None" may be indicated if an item is not applicable. Therefore the recommendation will not be adopted.

- 14. One (1)** commenter noted that the first sentence of the second paragraph on page 5 "should be amended to read, "If you are deaf or hearing impaired and are requesting a sign language interpreter, indicate which language in the space provided." The instructions currently state "...in Part 1" which does not make sense." In addition, the commenter also noted that "the second sentence in the third paragraph on page 5 currently references "Part 2, Item Number 12" but should be amended to reference "Part 2, Item Number 10."

Response: USCIS thanks the commenter for noticing these errors, and has edited the form to reflect the correct information.

- 15. One (1)** commenter recommended inserting the word "or" after the word "in" to clarify the following sentence: "Qualified individuals will not be excluded from the participation in, be denied the benefits of, USCIS's programs solely on the basis of their disability (ies) or impairments."

Response: USCIS appreciates this suggestion, and has made the recommended change.

- 16. One (1)** commenter stated that the instruction in Part 4 to explain that "if you do not have a State or Province, enter the name of your city again in that box" is confusing, because it appears to be designed for individuals applying for naturalization who are living abroad. The commenter requested that USCIS clarify this instruction.

Response: USCIS appreciates this suggestion, and has revised the foreign address fields on the form to include the qualifier "foreign address only." In addition, USCIS has also changed "Province or Foreign State" to "Province or Region (foreign address only)". These changes will provide clarity that such information only need be provided for a foreign address.

- 17. One (1)** commenter recommended changing verbiage in Part 4 from "If you do not have a State or Province" to "If you do not have a Foreign State or Province" to correspond to the wording on the form.

Response: USCIS appreciates this suggestion, and has standardized the verbiage on both form and instructions to "Province or Region".

- 18. One (1)** commenter suggested changing the verbiage in Part 4 #1 from "...except an apartment number..." to "except an apartment/suite/floor number..."

Response: USCIS appreciates this suggestion, and has updated the form accordingly.

- 19. One (1)** commenter stated that the instructions in Part 5 "make no sense as there is no initial question to answer regarding whether one or both parents are US citizens. There should be, so applicant can answer no and then be told to move on to Part 6."

Response: Question 2 - "Is your mother a U.S. citizen?" and Question 3 - "Is your father a U.S. citizen?" both have the instruction below "If "Yes", complete the following information." Therefore, this issue has already been addressed, although in a different

format. USCIS thanks the commenter for this recommendation, but will not make any format changes at this time.

20. **One (1)** commenter suggested that USCIS insert “of” to say “Provide the total number of trips...” in Part 8 #2.

Response: USCIS appreciates this suggestion, and has edited the form accordingly.

Required Evidence

21. **Two (2)** commenters questioned the purpose of requesting birth certificates for all biological children claimed or where the applicant is named as the biological parent by court order, and for final adoption certificates or decrees for all legally adopted children. One commenter stated that the N-400 is "an inappropriate venue" for requesting evidence concerning derivative citizenship of children, if the information is being solicited to establish the relationship for purposes of an N-600, while both commenters stated that requesting this information places an unnecessary burden on applicants whose children are already U.S. citizens. Both commenters stated that the evidence required seems to go beyond the scope of the evidence currently requested or statutorily required pursuant to regulations.

Response: The adjudication process is an evaluation of the totality of circumstances of an applicant, which includes his/her relationship to family members such as children. This information is vital and relevant to the determination of issues of children’s legitimacy, fulfillment of court-ordered child support obligations (which can impact on good moral character as described in section 316 of the INA); future claims to USCIS made on behalf of children; evaluation of applications filed under section 319 (Married Persons and Employees of Certain Nonprofit Organizations) of the INA; and eligibility matters involving marital union. These requests are necessary and vital to an informed adjudication of Form N-400. Therefore, the recommendation will not be adopted.

22. **One (1)** commenter recommended that "the accompanying instructions provide applicants with information on what to do if their Permanent Resident Card has been lost or stolen by referring them to USCIS’s *A Guide to Naturalization*, which includes this information."

Response: The instructions section of Form N-400 is to provide guidance for the preparation of Form N-400. As *A Guide to Naturalization* is no longer in print we encourage the public to utilize the uscis.gov website where they will be able to find information about replacing a card by filing an *Application to Replace Permanent Resident Card* (Form I-90).

23. **One (1)** commenter indicated there are inconsistencies between the instructions and form concerning Selective Service evidence. The form says "to include a statement with the form if applicant was supposed to register but did not. The instructions say to “...bring a written statement to your interview...” The commenter requested that USCIS clarify whether this information needs to be submitted with the application or brought to interview

Response: USCIS appreciates this notice, and has updated the form to specify that both a written explanation for failure to register and a status information letter from Selective Service must be submitted with the application.

24. **One (1)** commenter recommended adding to the NOTE in the instructions for court dispositions "that providing information in records that are sealed, expunged, or otherwise cleared may negatively impact the applicant's eligibility to naturalize."

Response: Section 316.10(a)(1) of 8 CFR states in part: "An applicant for naturalization bears the burden of demonstrating that, during the statutorily prescribed period, he or she has been and continues to be a person of good moral character..." Section 316.10(b)(2)(vi) of 8 CFR goes on to say that "An applicant shall be found to lack good moral character if during the statutory period the applicant... Has given false testimony to obtain any benefit from the Act..." Therefore, all information relating to any arrest, whether it was sealed, expunged, or otherwise cleared must be revealed during the naturalization process and indicated in the table in Part 11, Item 29 of Form N-400, so that it may be considered in making a determination of good moral character.

Filing Fee

25. **One (1)** commenter stated that some applicants might interpret "The fee for filing Form N-400 is \$595" to mean this is the only fee required.

Response: USCIS inserted "additional" to "biometrics services fee" to be consistent with the current form. However, USCIS has added verbiage to notify overseas applicants that they will also have to pay the biometrics fee.

26. **One (1)** commenter recommended including references to money orders along with references to checks, in order to be consistent.

Response: USCIS appreciates this recommendation and has included the money order reference.

27. **One (1)** commenter stated that "the paragraph under the note implies that an applicant must provide two separate checks for the filing fee and the biometrics fee. The instructions should be clarified to indicate that an applicant may submit one check for both fees."

Response: The Lockbox can accept a single check for both the base fee and the biometrics fee, or separate checks. USCIS appreciates your suggestion, and has revised the fee instructions accordingly.

Where to File

28. **One (1)** commenter requested that USCIS include the specific hyperlink for where to file the form, rather than the general form link at www.uscis.gov/N-400.

Response: The generic link to the N-400 allows the viewer the option to read general information about the form, plus provides the opportunity for them to read the form and instructions with just one click. This is standard across all forms and USCIS will maintain this standardized approach.

Processing Information

29. **One (1)** commenter stated that the instruction that “USCIS may ...request that you appear at a USCIS office for an interview” is confusing, since an interview is always required. The commenter requests that this instruction be clarified.

Response: USCIS thanks the commenter for pointing out this inconsistency, and has made necessary modifications to this wording.

Address Change

(No comments received for this section)

Attorney or Representative

30. **One (1)** commenter requested that the N-400 include a section stating that Notice of Entry is requested, in order to eliminate the requirement that a separate Form G-28 be submitted.

Response: Title 8, Code of Federal Regulations Section 292.4 requires that counsel file the appropriate DHS form to enter an appearance before USCIS. A *Notice of Entry of Appearance as Attorney or Accredited Representative* (Form G-28) may be found on our website at www.uscis.gov.

USCIS Forms and Information

31. **One (1)** commenter stated, "Nowhere previous to the phrase ‘As an alternative to waiting in line for assistance at your local USCIS office...’ is the applicant told that he/she can go to the local USCIS office for assistance on the form. As it seems like this option is not preferred, just take out that phrase so the statement reads ‘You can now schedule an appointment though the USICS Internet-based system, Info pass.’”

Response: The instructions for Form N-400 are designed to provide information and guidance in assisting an applicant in completing the form. USCIS strives to maintain excellence in providing customer service and offering a number of options to make such contact is part of that mission. The section entitled “USCIS Forms and Information” provides information to ensure that the current version of Form N-400 is being used when filing for naturalization. As a matter of customer service, information on making an InfoPass appointment is provided for the customer’s convenience. Members of the public may schedule InfoPass appointments at the uscis.gov website, in order to speak to an Immigration Services Officer in person, to discuss their case or to request information. USCIS appreciates the commenter’s suggestion, and has removed the phrase beginning with “As an alternative to waiting in line...”

Penalties

(No comments received for this section)

USCIS Privacy Act Statement

(No comments received for this section)

USCIS Compliance Review and Monitoring

(No comments received for this section)

Paperwork Reduction Act

(No comments received for this section)

Form N-400

Part 1. Information About Your Eligibility

32. One (1) commenter recommended that USCIS simplify the instruction in Part 1 to read "Check only one box" instead of "Check only one box or Form N-400 may be delayed."

Response: Because the checking of multiple boxes will delay acceptance of an applicant's Form N-400 for processing, it is important that the ramifications of checking more than one box are emphasized here.

33. One (1) commenter stated at the leading statement 'I am at least 18 years old AND ...' "indicates that all applicants must be 18 years of age, regardless of the basis for their application. However, the minimum age requirement may be waived for individuals applying on the basis of their military service under INA §329. Question 4, relating to qualifying military service, should be amended to reflect that possibility."

Response: The questions on Form N-400 are designed to address the general population of applicants, regardless of the section of law under which an application is filed, and the overwhelming majority of applicants for naturalization must be 18 years of age at the time of filing. In addition, this verbiage is identical to that on the current version of N-400. This issue has not arisen in the past, nor has it prevented qualified members of the military who met necessary eligibility requirements under section 329 of the INA from naturalizing. Therefore the recommendation will not be adopted.

34. One (1) commenter recommended rephrasing items 2-5 as follows:

2. You have been a lawful permanent resident for five years or three years as a lawful permanent resident married to a U.S. Citizen.
3. You may apply for naturalization up to 3 months before you have fulfilled the required time period of having had lawful permanent residence for either five or three years.
4. You have demonstrated physical presence within the United States for the required period of time.
5. You have demonstrated continuous residence for the required period of time.

Response: USCIS has updated the instructions to include information on early filing. A comprehensive list of eligibility requirements is available in *A Guide to Naturalization* (Form M-476), and referenced on the instructions under "A Guide to Naturalization." There are

multiple variations of the requirements which would be too extensive to include in an instructions list.

35. **Two (2)** commenters suggested adding a text box to permit applicants who choose “Other” as their response to explain the circumstances that make them eligible for naturalization.

Response: USCIS appreciates this recommendation, and has added a text box for the applicant to provide an explanation.

36. **One (1)** commenter recommended that the form and instructions include information regarding certain domestic violence survivors qualifying for naturalization in three years pursuant to INA § 319(a).

Response: Detailed information concerning this, and other bases of eligibility for naturalization, may be found in *A Guide to Naturalization* (Form M-476) and on the USCIS website at www.uscis.gov

Part 2. Information About You

37. **One (1)** commenter questioned whether the quality and usefulness of the additional information is necessary for the adjudicator to make a decision. The commenter indicated it will take longer for applicants to obtain this information, especially where it pertains to other individuals. The commenter stated that the object of the N400 is to evaluate the eligibility of applicants and not their spouses, children or parents.

Response: The latest revision of USCIS Policy Manual Volume 12 Part B. Chapter 1 A. states in part “USCIS conducts an investigation and examination of all naturalization applicants to determine whether an applicant meets all pertinent eligibility requirements to become a U.S. citizen. The investigation and examination process encompasses all factors relating to the applicant’s eligibility... The applicant has the burden of establishing eligibility by a preponderance of the evidence throughout the examination...” Information related to the familiar relationships maintained by an applicant is necessary to make determinations of issues of children’s legitimacy, fulfillment of court ordered child support which can impact on Good Moral Character as described in section 316 of the INA, future claims to USCIS made on behalf of children, evaluation of applications filed under section 319 (Married Persons and Employees of Certain Nonprofit Organizations) of the INA and issues of marital union. These requests are necessary and vital to an informed adjudication of Form N-400. However, certain information requests have been eliminated from the form, such as the requests for parents’ dates of citizenship and A numbers, and children’s Social Security numbers.

38. **One (1)** commenter suggested that the countries of Wales, Scotland and England be added to the drop-down menus for country of birth and country of citizenship or nationality.

Response: The dropdown menu has been deleted from this section of Form N-400 and has been replaced with a data entry field.

39. **One (1)** commenter recommended "for consistency and clarity" to change 'full middle name' to middle name, in order to be consistent with the two questions before it. The commenter

adds, "As there is no significance to the addition, especially in the context of listing other names or nicknames, this is confusing and will result in unclear responses."

Response: The word "full" has been removed the "middle name" field in Part 2 item 3 of the proposed revision of Form N-400. USCIS thanks the commenter for this suggestion.

40. **One (1)** commenter asked for clarification whether an applicant should consider a patronymic or a derivative of a family name or maiden name to be his/her middle name or part of his/her middle name.

Response: USCIS requires that the applicant list his or her full legal name. The determination of whether or not an individual has a middle name can only be made by that person. If a patronymic or a derivative of a family name or maiden name appears on an applicant's birth record, it is considered a legal name, and should be listed as such on the application. Whether the applicant chooses to list such name as a middle name is for the applicant to decide.

41. **One (1)** commenter recommended that more space be provided for the applicant's middle name in Questions #1-3 "to accommodate all cultural name traditions. If derivatives of family names and maiden names are considered middle names, the commenter recommends that the Middle Name field be entitled 'Middle Name(s)' " to allow for the situation in which an applicant's full name includes two or more derivatives of family names."

Response: Form N-400 requests that the "...current legal name" of the applicant be indicated in Part 2, item 1. Therefore, that is the information that should be entered. As the length of a name may change by culture and tradition, a separate sheet of paper may be used as an attachment to Form N-400. In addition, the ability to change a name as part of the naturalization process is offered in item 4 of Part 2, if an applicant so desires.

42. **One (1)** commenter stated that since there is no B in Question 4, there should be no A subsection.

Response: USCIS appreciates this notice, and has removed subsection A from the form.

43. **One (1)** commenter asked whether name changes will be allowed if USCIS officials administer the Oath of Allegiance.

Response: The latest revision of USCIS Policy Manual Volume 12 Part J. Chapter 6 A. states in part "An applicant may elect to have his or her Oath of Allegiance administered by the court or the court may have exclusive authority to administer the oath..." A legal name change may only be processed and approved as part of a judicial ceremony presided over by a judge.

44. **One (1)** commenter asked USCIS to insert a comment that not all USCIS offices can accommodate a name change, and suggested that the www.uscis.gov website include links to all of the offices that can accommodate a name change.

Response: Form N-400 has been designed to address issues on a national scale. The appropriate venue to address the ability to change a name as part of a judicial naturalization

ceremony, as defined in the latest revision of USCIS Policy Manual Volume 12 Part J. Chapter 6 A., is at the naturalization interview as this ability may vary jurisdictionally. There is no comprehensive list of offices and jurisdictions as requested that would be able to be included in the uscis.gov website.

45. **One (1)** commenter stated that the phrase “American sign language interpreter” suggests that the hearing impaired applicant is asking for an interpreter who is fluent in American Sign Language as well as another sign language. If the intent is for the applicant to request an interpreter who can translate between whatever sign language the applicant uses and English, the word “American” should be deleted.

Response: At this time, “American Sign Language interpreters” are the only sign language interpreters under contract to USCIS to provide such services.

46. **One (1)** commenter suggested that Country of citizenship or nationality be divided into two boxes to allow for those situations in which an applicant’s citizenship and nationality are not the same, or for when an applicant is a dual citizen.

Response: Part 2, Number 9. B. of the instructions for the proposed revision of Form N-400 provides directions concerning multiple nationalities or citizenships.

47. **One (1)** commenter stated that there should be a complete statement of the requirements for the N-648 waiver, and question 11 should be rephrased as follows, “Do you have a physical or developmental disability or mental impairment which has lasted or is expected to last for 12 months or longer, and is not the result of illegal drug use, that prevents you from demonstrating your knowledge and understanding of the English language and/or civics requirements for naturalization?”

Response: The question on the proposed revision of Form N-400 is more detailed and contains more information than that on the current version of Form N-400. The exact criteria to satisfy the affirmative adjudication of a Medical Certification for Disability Exceptions (Form N-648) is delineated in Form N-648’s instructions, and that would therefore be the proper resource to reference for that information. Therefore, no changes will be made to Form N-400 based on this comment.

48. **One (1)** commenter requested that Question 12 in this section specify in A and B that the applicant is eligible to bring a translator, and in C that the applicant is eligible for an easier test.

Response: The form instructions on Page 1 specify that an applicant who is 65 or older with 20 years of permanent residence will take a simplified version of the civics test. *A Guide to Naturalization* (Form N-476) specifies that if an applicant is qualified for an exemption, an interpreter who is proficient in both English and the applicant’s language of choice must accompany the applicant to the interview.

49. **One (1)** commenter recommended changing the language of Part 2, item 12, “for greater clarity and to better reflect USCIS’s practice with regard to English language test exemptions.” The commenter proposes the following language, “which is based on information found on the USCIS website:

A. Are you 50 years of age or older and have you lived in the United States as a permanent resident for periods totaling at least 20 years at the time of filing your Form N-400?

B. Are you 55 years of age or older and have you lived in the United States as a permanent resident for periods totaling at least 15 years at the time of filing your form N-400?

C. Are you 65 years of age or older and have you lived in the United States as a permanent resident for periods totaling at least 20 years at the time of filing your form N-400?"

The commenter indicates that this language will clarify that the exemptions from the English language test apply to applicants who are 50, 55, and 65 years of age, not just those who are older.

Response: USCIS concurs and will incorporate the recommended changes to Part 2, item 12 of the form as well as in the instructions section titled 'Naturalization Testing'.

Part 3. Information to Contact You

49. **One (1)** commenter suggested that it would be simpler to ask for the best two or three phone numbers at which the applicant can be reached, rather than asking for four phone numbers.

Response: As contact information changes on a regular basis, and in the interest of providing excellence in customer service, this information is necessary so that USCIS may contact the applicant at any time during the naturalization process. Lack of sufficient contact information has made it difficult in the past for USCIS to contact applicants; therefore, USCIS requests that applicants provide all possible contact numbers.

Part 4. Information About Your Residence

50. **One (1)** commenter recommended that USCIS apply plain language principles and rename Part 4 "Your Address".

Response: USCIS has reviewed the commenter's suggestion and has found that the current form language is sufficient and clear enough to not warrant any change. Eligibility requirements include those of residence, as referenced in section 316 of the INA. USCIS employs the term "residence" consistently throughout the form, to encompass not only the applicant's physical and mailing addresses, but to account for residential history.

51. **One (1)** commenter noted that both the current and proposed forms and instructions request information for "the past five years" in the residence and employment sections, and asked whether USCIS can stipulate in the instructions that applicants seeking naturalization through marriage to a U.S. citizen spouse need only provide information for the last three years.

Response: The information being sought is aimed at the general population of applicants and is not related to the statutory requirements of the section of law an applicant applies under. Therefore, USCIS will not adopt the recommended change at this time.

52. **One (1)** commenter recommended that USCIS simplify the question "Where have you lived for the last 5 years prior to filing Form N-400?" to "Where have you lived for the last 5 years?"

Response: Because eligibility requirements for naturalization must be met at the time of filing, it is important that this criterion be specified.

53. **Four (4)** commenters questioned the purpose of requiring the applicant to repeat addresses in Questions 1, 2, and 3. The commenters indicated this requirement is "a redundancy that seems unnecessary", "a burden to the applicant", and "unnecessarily confusing". One commenter suggested eliminating one of the two information requests; two others suggested a statement be added, that if the mailing address is the same as the home address, this part does not need to be completed.

Response: USCIS appreciates these comments, and has simplified this section of the form to eliminate duplicate address requests.

54. **One (1)** commenter recommended a means for the current home address fields in #1 to auto fill the current residence fields in #3A.

Response: The form has been revised to request current home address only once in this section.

55. **One (1)** commenter suggested that "Date of residence" be changed to "Dates you lived at this address" in the interest of plain language.

Response: USCIS has reviewed the suggestion to change the wording in this section, and has found that the current form language is sufficient and clear enough to not warrant any change. USCIS employs the term "residence" consistently throughout the form, to reflect the eligibility requirement specified in the Immigration and Nationality Act. USCIS thanks the commenter for the suggestion.

56. **One (1)** commenter asked for explanations of the meanings of the abbreviations "Ste." and "Flr." in the address fields.

Response: "Ste." and "Flr." are abbreviations used within the mail service industry for "Suite" and "Floor."

57. **One (1)** commenter suggested that the instruction be revised simply to state "do not provide a P.O. Box in this space."

Response: USCIS appreciates your comment, but the option to list a P.O. box must remain. There are residential addresses within the United States where the physical address is a P.O. box, so this option must therefore be available.

58. **One (1)** commenter stated that "it should be made clear that the term 'care of' or the abbreviation 'c/o' refers to a situation in which the applicant receives his/her mail at an address in which his/her name is not identified on the mail receptacle, mail delivery room or other area in which the mail is delivered at the said address."

Response: The term “care of” or the abbreviation “c/o” are standard language terms in postal scenarios. In addition, this is referenced in the instructions for the proposed revision of Form N-400 in Part 4, section 1.

59. **One (1)** commenter suggested that “...list every location where you have lived...” be reworded into plain language as “...list each place you have lived...”

Response: USCIS has reviewed the suggestion to change the wording in this section, and has found that the current form language is sufficient and clear enough to not warrant any change. USCIS thanks the commenter for the suggestion.

60. **One (1)** commenter recommended eliminating the request for the fourth most recent residence, in order to shorten the length of the form. Applicants who need more space can still use additional sheets of paper.

Response: USCIS appreciates the commenter's suggestion, and has removed the fourth request from the form.

61. **One (1)** commenter stated that the From and To date boxes might be confusing to applicants, and recommended asking “When did you begin living at this address?” instead.

Response: Because continuous residence, physical presence and in-state jurisdictional requirements are all eligibility requirements for naturalization under section 316 of the INA, it is important that exact dates be specified in the residential history section of the application. The request “When did you begin living at this address?” may elicit general responses such as “10 years ago”, which will not provide USCIS with the specific information necessary to determine an applicant's eligibility. USCIS thanks the commenter for this suggestion.

62. **One (1)** commenter recommended that United States be placed at the top of the list of countries in the drop-down menu, so that applicants do not have to scroll all the way down the list of countries to find it.

Response: The dropdown menu has been deleted from this section of Form N-400 and has been replaced with a data entry field.

63. **One (1)** commenter suggested that there should be an electronically-generated continuation page for the applicant to list his/her residences during the last five years.

Response: Form revisions make such page additions prohibitive; therefore, the instructions for the N-400 include “if you need more space use additional sheets of paper...”

Part 5. Information About Your Parents

64. **Six (6)** commenters questioned the need for requesting additional details about the applicant's parents. **One (1)** commenter stated that questions #1-3 seek information that is “extraneous and irrelevant.” **One (1)** commenter stated that these questions “add unnecessary length to the form.” **One (1)** commenter pointed out that the instructions indicate that if one of the applicant's parents is a U.S. citizen, Form N-400 may not be applicable, and asked whether USCIS intends to evaluate the applicant's eligibility for

acquired or derivative citizenship, and issue a Certificate of Citizenship rather than proceeding with the naturalization application. If not, the commenter recommended that the form be amended to include only the introductory note informing applicants that if one or both of their parents are U.S. citizens, they may not need to file the N-400, and then only ask for the names and citizenship status of the applicant's parents. **Five (5)** commenters stated that the introductory verbiage alluding to acquired and derived citizenship should be retained, but all indicated that the only question that should follow is "Are either of your parents U.S. citizens?" **Two (2)** commenters suggested moving the notification at the beginning of Part 5 regarding derived citizenship to Part 1 (Eligibility), "because information about an applicant's parents is not otherwise relevant to determining eligibility for naturalization." **One (1)** commenter stated, "While it is helpful to include the section in order to determine acquisition and derivation of citizenship, the inclusion of this section should be clearly marked on the form as optional. Failure to include will cause delay as many applicants will attempt to respond to the questions even though they are not eligible for acquisition or derivation of citizenship." The commenter further stated that asking for such information "dissuades qualified immigrants from applying for naturalization. Many will question the need to provide such information and may mistakenly believe that this information hinges on their ability to naturalize."

Response: Although the instructions for Form N-400 may contain information necessary for an applicant to decide if Form N-400 is the correct form to file, historically USCIS has found that many individuals who file Form N-400 had in fact derived U.S. citizenship through a parent(s) pursuant to section 320 of the INA; therefore, the information in Part 5 is necessary for an Officer to determine whether or not an individual has derived or acquired U.S. citizenship, and consequently may lead to the filing of an Application for Certificate of Citizenship (N-600), if that is the case. USCIS appreciates the commenters' concerns, and has eliminated the requests for parents' dates of citizenship and A numbers from the form.

- 65. One (1)** commenter stated that the additional information concerning parents who may be U.S. citizens will be difficult for the applicant to obtain, and questioned whether documents would be required at the interview. The commenter recommended that this information be addressed before the interview.

Response: Section 316 of the INA provides that an applicant for naturalization be lawfully admitted for permanent residence at the time of filing. If an individual is a U.S. citizen by virtue of derivation under sections 301, 309, 320 or 322 of the Act, they no longer fall within that classification. Therefore, certain information is necessary for an Officer to determine whether or not an individual has derived or acquired U.S. citizenship, and is therefore ineligible to naturalize. USCIS appreciates the commenters' concerns, however, and has eliminated the requests for parents' dates of citizenship and A numbers from the form.

- 66. Two (2)** commenters noted that the instructions say to only fill this section out if one or both parents are US citizens. Both commenters suggested that the first question in this section ask if either of the applicant's parents are U.S. citizens. If the answer is No, the applicant should be given the option to skip this section and go to Part 6.

Response: Question 2 - "Is your mother a U.S. citizen?" and Question 3 - "Is your father a U.S. citizen?" both have the instruction below "If "Yes", complete the following information." Therefore, this issue has already been addressed, although in a different

format. USCIS thanks the commenter for this recommendation, but for operational reasons will not make any format changes at this time.

67. **One (1)** commenter recommended that the option 'unknown' be included throughout this section.

Response: Given the possibility that an applicant may establish eligibility for derivative citizenship from birth under sections 301 or 309 of the INA, or acquisition of citizenship through a parent's naturalization under section 320 of the INA, USCIS expects applicants to provide the relevant information to the best of their knowledge. Adding the option to check 'unknown' will cut off the line of inquiry needed to determine whether an applicant is already a United States citizen, and therefore ineligible for naturalization. USCIS appreciates the commenters' concerns, however, and has eliminated the requests for parents' dates of citizenship and A numbers from the form.

68. **One (1)** commenter stated that Question 1 is unnecessary if neither parent is a U.S. citizen and is "confusing because of the many definitions of marriage." The commenter stated that an answer to this question "won't be definitive because USCIS's definition of marriage and the applicant's may not match."

Response: The term "marriage" denotes a legal state codified by a governmental body authorized to do so. The point of interview would be the most appropriate venue to address and clarify issues of other types of marriages and related issues. USCIS thanks you for your comment but will not adopt the recommendation at this time.

69. **One (1)** commenter further stated that the burden of conducting additional research to determine derivative citizenship will fall on the applicant, regardless of whether the information will ultimately be a factor in determining whether the applicant is already a citizen. The commenter stated that the current version of the form, which asks whether either of the applicant's parents are U.S. citizens, should serve as a sufficient prompt for the interviewing officer to ask additional questions.

Response: USCIS created this section to specifically highlight the issue of derivative citizenship. In the naturalization process, the burden of proof lies with the applicant to establish eligibility for the benefit sought. By having the applicant provide relevant information concerning eligibility, the amount of time an officer spends gathering the information needed is reduced. This leads to greater efficiency in the interview process for both the applicant and the interviewing officer.

70. **One (1)** commenter expressed concern that Question 1 "concerned possible illegitimacy "and implied "a moral judgment" of the applicant's parents. In addition, because the question is asked before the question on parent's citizenship, the commenter states that this contradicts Justification 11 in the Supporting Statement that "there are no questions of a sensitive nature."

Response: The latest revision to the USCIS Policy Manual Volume 12, Part H, Chapter 4, B, makes reference to "A biological child born out of wedlock who has been legitimated and currently resides with the parent." The question relating to the marital status of the applicant's parents is therefore necessary to make an informed determination on eligibility of an individual who may have derived or acquired U.S. citizenship through their U.S. citizen

parent(s). The response this question elicits is necessary to make a factual determination of law as a U.S. citizen may not be naturalized.

71. **One (1)** commenter suggested rewording "...or prior to your eighteenth birthday" into plain language as "...or before your 18th birthday".

Response: USCIS appreciates this suggestion, and has made this change in wording.

72. **Two (2)** commenters questioned the purpose of requesting the A Number of the applicant's U.S. citizen parent(s). One suggested the Naturalization Certificate number as "a better option."

Response: USCIS appreciates the commenters' concerns, and has eliminated the requests for parents' A numbers from the form.

73. **One (1)** commenter stated that the form needs space for the date the parent became a U.S. citizen.

Response: The request for date a parent became a U.S. citizen has been removed from the form.

74. **One (1)** commenter stated that 'Current legal name of US Citizen Mother' is "redundant and confusingly written. All it really needs to say is 'Mother's current legal name'".

Response: USCIS has reviewed the suggestion to change the wording in this section, and has found that the current form language is sufficient and clear enough to not warrant any change. USCIS thanks the commenter for the suggestion.

Part 6. Information for Criminal Records Check

75. **Two (2)** commenters stated that the applicant should be directed to check all of the racial categories that may apply to him/her. One commenter requested this "so that applicants of mixed racial heritage may give a complete and accurate response and not feel excluded from the naturalization process." The commenter also suggested that after the checkbox for "Other," there should be a blank line for the applicant to specify his/her race. The other commenter suggested using "the standard race and ethnicity categories employed by the Census Bureau as potential responses, "because applicants are likely to be accustomed to providing race and ethnicity information in that standard format." This commenter indicated that this would require the addition of "Two or more races" and "Some other race" categories, with space provided for applicants to list particular races; and the addition of a separate question that asks all applicants, regardless of race, whether they are of Latino or Hispanic ethnicity.

Response: The revised instructions relating to Part 6. Information for Criminal Records Check for Form N-400 state in part , "For each item check the box or boxes that best describes you." Therefore, those instructions already exist and do not preclude individuals from properly categorizing themselves as they feel proper. In addition, the information requests in this field are limited by criteria set forth by the Federal Bureau of Investigation, which includes "other" as a catchall category.

76. Two (2) commenters stated that the category, "Hair color," should be changed to "Hair color (current)" to make it clear that the intent of the question is to capture the details of the applicant's current appearance. One commenter added that "asking for hair color "is a meaningless question in this day when a client can have one hair color when applying and several different colors before the interview."

Response: The intent of the question is to capture the "true" details about an applicant's features without enhancement or modification and not the "present" state or appearance of that individual as that may be changed at will. Therefore, the question is properly worded for its intent.

77. One (1) commenter stated that a line should be inserted after the checkbox designated as "Other" so that an applicant can specify an eye color not listed.

Response: This field is limited by the criteria set forth by the Federal Bureau of Investigation; therefore, we will not adopt this suggestion.

Part 7. Information About Your Employment and Schools You Attended

78. One (1) commenter recommended that the form include "additional clarity on sections regarding employment history, to include spacing for periods of unemployment".

Response: An applicant for naturalization must provide information on their legitimate means of support as part of a consideration of good moral character required under section 316 of the INA. Therefore, all periods, including periods of unemployment, public assistance, work, school, or otherwise must be accounted for in order for USCIS to make an informed determination of good moral character and ability to naturalize. Periods of unemployment should be listed chronologically with other periods of employment, schooling, or other. Therefore, the recommendation will not be adopted.

79. One (1) commenter indicated that the instructions on the form ask to 'Begin by providing information about your most recent or current employment or studies'. The commenter states that the "'most recent or' part is unnecessary and should be deleted, as the form asks for a complete timeline over the last 5 years, including periods of unemployment."

Response: USCIS has reviewed the suggestion to change the wording in this section, and has found that the current form language is sufficient and clear enough to not warrant any change. USCIS thanks the commenter for the suggestion.

80. One (1) commenter questioned the necessity of asking for periods of unemployment, and recommended deleting all references to unemployment from the instructions at the beginning of this part.

Response: An applicant for naturalization must provide information on their legitimate means of support as part of a consideration of good moral character as required under section 316 of the INA. Therefore, all periods, including periods of unemployment, public assistance, work, school, or otherwise must be accounted for in order for USCIS to make an informed determination of good moral character and ability to naturalize. Periods of unemployment should be listed chronologically with other periods of employment, schooling, or other. Therefore, the recommendation will not be adopted.

81. One (1) commenter stated that asking applicants to list periods of unemployment " is not applicable to eligibility and could cause undue shame and fear for hard working applicants who have become or remained unemployed because of circumstances beyond their control."

Response: The information is requested to determine eligibility for naturalization under section 316 of the INA. It is incumbent on an applicant for naturalization to demonstrate through what legitimate means of support they have sustained themselves during the statutory period of consideration. Therefore, all periods, including periods of unemployment, public assistance, work, school, or otherwise must be accounted for in order for USCIS to make an informed determination of good moral character and eligibility for naturalization. USCIS thanks the commenter for their input, but the recommended changes will not be adopted at this time.

82. One (1) commenter recommended inserting additional instruction, to request that the applicant also include information on multiple jobs held or multiple schools attended during the same time period.

Response: USCIS appreciates this suggestion, and has clarified the instruction accordingly.

83. One (1) commenter recommended deleting the space for the applicant's fourth most recent employer or school, in order to shorten the form. Those applicants who need to list more than three jobs or schools can use additional sheets of paper.

Response: USCIS appreciates the commenter's suggestion, and has updated the form accordingly.

84. One (1) commenter recommended that there be an electronically-generated continuation page because "it is an economic reality that many people have to hold multiple jobs at the same time to make a living. Therefore, four grid spaces may not nearly be enough to capture all of the data."

Response: Form revisions make such page additions prohibitive; therefore, the instructions for the N-400 include "if you need more space use additional sheets of paper..."

Part 8. Time Outside the United States

85. Six (6) commenters questioned the need for requesting information on time spent outside the U.S. since becoming a permanent resident, "since the physical presence/continuous residence requirements are determined only within the context of 3 or 5 years, depending on whether the applicant qualifies for naturalization pursuant to INA § 316 or INA §319". The commenters recommended that USCIS use the current N-400 language, which only requests information regarding days spent and trips taken outside of the United States for the past five years.

All **six (6)** commenters stated that requiring applicants to include this information overly burdensome, particularly for applicants who have been permanent residents for long periods of time. **Two (2)** commenters stated that it is difficult for applicants to detail

accurately, particularly when the trips took place several years ago and there is no passport stamp with the entry and exit dates. **One (1)** commenter stated that “asking someone to tally up the total amount of time throughout their entire residency is legally irrelevant and difficult for many reasonable persons to accomplish with accuracy.” **One (1)** commenter stated that this requirement will “dissuade many long time permanent residents to naturalize, as they may not have this information available to them.” **Two (2)** commenters recommended that USCIS explain in the accompanying instructions how applicants should answer Question 3 if they are unable to recall specific dates, and be allowed to estimate the amount of days for a given trip if an applicant has no corresponding documentation or passport stamps.

One (1) commenter stated that the elimination of reference to the 5-year statutory period is an added burden for adjudicators, because they would have to separately perform the 5-year trip calculations in order to determine if the applicant had been continuously in the U.S. during the 5-year period.

One (1) commenter further stated that if USCIS wishes to elicit information relating to abandonment of residence, then it should create a question that better addresses or reflects that inquiry.

Response: The latest revision to the USCIS Policy Manual Volume 12, Part D, A. states in part “An applicant for naturalization under the general provision [1] See INA 316(a) must have resided continuously in the United States after his or her LPR admission for at least five years prior to filing the naturalization application and up to the time of naturalization.” Therefore the items in Part 8 of Form N-400 will be modified to reflect informational requests for that time period. USCIS appreciates the commenters’ suggestions.

86. One (1) commenter questioned the necessity of having ten rows for applicants to list trips outside the US, and suggested that fewer rows would suffice.

Response: USCIS appreciates the commenter’s suggestion, and has eliminated four rows of data fields from the form.

87. One (1) commenter stated that the parenthetical legend “Including Trips to Canada, Mexico and the Caribbean” should also specify “but Excluding Territories of the United States.” The commenter also suggested that a list of U.S. territories be provided in the corresponding section of the Instructions.

Response: Time spent within territories of the United States is treated as being “in” the United States. Specifically differentiating territories from other countries listed might cause confusion. USCIS therefore will not adopt the recommended change, but appreciates the input.

88. One (1) commenter stated that items 1 and 2 should be reversed, because “it is easier to fill out the form if you first calculate the number of trips and then days.”

Response: As long as both items are answered, they may be completed in the order the applicant chooses. These items also appear in the same order in the current version of Form N-400, and no issues with them have been brought to the attention of USCIS to date. USCIS has reviewed the suggestion to change the wording in this section, and has found that the

current form language is sufficient and clear enough to not warrant any change. USCIS thanks the commenter for the suggestion.

- 89. One (1)** commenter stated that the form could be shortened without negative effect on USCIS's ability to adjudicate an application by eliminating questions 1 and 2 in Part 8, and specifying that the answer to question 3 should include trips pursuant to military service, because the answers to questions 1 and 2 will be found in the answer to question 3."

Response: The latest revision of USCIS Policy Manual Volume 12 Part B. Chapter 1 A. states in part "... The applicant has the burden of establishing eligibility by a preponderance of the evidence throughout the examination..." Section 316 of the INA, questions 1 and 2 in Part 8 of the proposed revision are necessary to make determinations on continuous residence as outlined in Part D, A. of that guidance. In addition, these questions are formatted similarly on the current version of Form N-400. No issues concerning these questions have come to the attention of USCIS to date. Therefore, the recommended changes will not be adopted.

- 90. One (1)** commenter recommended including "specific instruction as to how to calculate number of days outside the United States."

Response: Those instructions are provided in the current *A Guide to Naturalization* (Form M-476) on page number 24 paragraph 1, which is accessible at www.uscis.gov.

Part 9. Information About Your Marital History

- 91. One (1)** commenter stated that the checkbox option "Other" be added to question 1, to account for cultural marriages.

Response: The term "marriage" denotes a legal state codified by a governmental body authorized to do so. The point of interview would be the most appropriate venue to address and clarify issues of other types of marriages. USCIS thanks you for your comment, but will not adopt the recommendation at this time.

- 92. One (1)** commenter stated that questions 1-3 are confusing, "because it asks for information about applicant, then about the applicant's spouse, then back to applicant, and then back to spouse."

Response: This has been so designed so that those cases that might go through military processing are easily identified.

- 93. One (1)** commenter stated in question 4A, 'Family name (last name)' should be entitled "Spouse's Current Family Name (Last Name)" to avoid confusion among applicants whose spouses retain their maiden names. The commenter also stated that "Middle names" should be used to allow for the situation in which an applicant's full name includes two or more derivatives of family names.

Response: The bold heading "Legal name of current spouse" above the Family name field provides sufficient direction to the applicant concerning what name to list, so no further clarification will be provided. USCIS is unable to accommodate a request to specify Middle Names on the current form. USCIS currently does not have the operational capacity to

ingest all possible middle names or variations that exceed the limit of the current data field. USCIS thanks the commenter for this suggestion, however.

- 94. One (1)** commenter questioned the necessity of requesting "other names used" by the applicant's spouse in question 4C. The commenter stated that an applicant whose spouse is undocumented may not feel comfortable sharing this information, and such questions might deter some individuals from applying for naturalization, for fear of reprisal against an undocumented spouse.

Response: The adjudication process is an evaluation of the totality of circumstances of an applicant, which includes their relationship to family members such as a spouse. This information is vital and relevant to the determination of issues of children's legitimacy, fulfillment of court-ordered child support (which can impact on Good Moral Character as described in section 316 of the INA), future claims to USCIS made on behalf of children, evaluation of applications filed under section 319 (Married Persons and Employees of Certain Nonprofit Organizations) of the INA, and issues of marital union. These requests are necessary and vital to an informed adjudication of Form N-400. Therefore, the recommendation will not be adopted.

- 95. One (1)** commenter suggested rewording question 4E "Date you entered into marriage with current spouse" into plain language as "When did you marry this person?"

Response: Section 319 of the INA addresses eligibility requirements for naturalization based on marriage; therefore, it is important that exact dates be specified in this section of the application. The request "When did you marry this person?" may elicit general responses such as "2 years ago", or "November" which will not provide USCIS with the specific information necessary to determine an applicant's eligibility.

- 96. One (1)** commenter noted "inconsistent formatting of address information in Question 4G. This section indicates 'Province (foreign address only)' without including the 'or Foreign State' which is included in Part 4, 1-3. The commenter also stated that if Province, Country and Postal Code boxes only need to be filled out for foreign addresses, then Part 4 should include the '(foreign address only)' qualifier.

Response: USCIS appreciates this suggestion, and has added the '(foreign address only)' qualifier to the foreign address fields in Part 4.

- 97. Seven (7)** commenters questioned the purpose of requesting the name of the applicant's spouse's current employer in question 4H. **Four (4)** of these commenters recommended that this question be eliminated from the form because the information is "not relevant to the applicant's eligibility or good moral character." **One (1)** commenter further stated that this question adds to the length of the form and "creates undue burden" on the applicant. **One (1)** commenter stated that asking for such information "dissuades qualified immigrants from applying for naturalization. Many will question the need to provide such information and may mistakenly believe that this information hinges on their ability to naturalize." **One (1)** commenter stated that an applicant whose spouse is undocumented may not feel comfortable sharing this information, and such questions might deter some individuals from applying for naturalization, for fear of reprisal against their undocumented spouses.

Response: The adjudication process is an evaluation of the totality of circumstances of an applicant, which includes their relationship to family members such as a spouse. This information is vital and relevant to the determination of issues of children's legitimacy, fulfillment of court-ordered child support (which can impact on Good Moral Character as described in section 316 of the INA), future claims to USCIS made on behalf of children, evaluation of applications filed under section 319 (Married Persons and Employees of Certain Nonprofit Organizations) of the INA, and issues of marital union. These requests are necessary and vital to an informed adjudication of Form N-400. Therefore, the recommendation will not be adopted.

98. **Two (2)** commenters indicated that question 5 includes an incorrect cross reference, and should be corrected to read: If "Yes," answer Item Number 6. If "No," go to Item Number 7.

Response: USCIS appreciates this suggestion, and has made the recommended correction.

99. **Two (2)** commenters suggested that question 5 be deleted, because the answer to this question will be provided in the applicant's responses to questions 6 and 7.

Response: The question is instructional in nature and therefore logical in its placement. USCIS requires that an applicant provide a Yes or No response to question 5. The applicant's response to this question will determine whether he or she is required to complete question 6 or question 7. USCIS will therefore not adopt the recommended change, but we thank you for your suggestion.

100. **One (1)** commenter pointed out that "the" appears twice in the explanatory section of question 6A after "Other."

Response: USCIS appreciates this notice, and has corrected the form accordingly.

101. **One (1)** commenter recommended that "a" be added before "U.S. citizen" in question 7.

Response: USCIS appreciates this notice, and has updated the form accordingly.

102. **Two (2)** commenters recommended deleting "(explain)" after "Other" in question 7C, since some applicants married to undocumented spouses may not want to disclose the spouse's undocumented status. One commenter stated that requesting an explanation "will cause significant fear and will deter some eligible applicants from applying despite the fact that an undocumented spouse does not bar an applicant from naturalization in any way. USCIS officials have repeatedly said publically that targeting undocumented spouses of US citizens is not a priority for the agency, and as such, this wording should be removed."

Response: The adjudication process is an evaluation of the totality of circumstances of an applicant, which includes their relationship to family members such as a spouse. This information is vital and relevant to the determination of issues of children's legitimacy, fulfillment of court-ordered child support (which can impact on Good Moral Character as described in section 316 of the INA), future claims to USCIS made on behalf of children, evaluation of applications filed under section 319 (Married Persons and Employees of Certain Nonprofit Organizations) of the INA, and issues of marital union. These requests are necessary and vital to an informed adjudication of Form N-400. Therefore, the recommendation will not be adopted.

103. One (1) commenter stated that it is “unclear which ex-spouses are being referenced in question 8 (i.e. spouse, ex spouse, ex-spouse's spouses)”. The commenter suggested changing the wording to "current spouse's prior spouse" for clarity.

Response: After a careful review of the form and instructions, USCIS did not find any references to ex-spouses. However, USCIS has updated the form to refer to prior spouses (vs. former spouses) in order to be consistent. USCIS thanks the commenter for this suggestion.

104. One (1) commenter suggested changing "item" to "question" and adding "for each prior spouse" at the end of the instruction for question 8: "If your current spouse has had more than one previous marriage, use an additional sheet(s) of paper to provide the information requested in questions A through I below." The commenter pointed out that these proposed changes will make this instruction consistent with the instruction in question 9.

Response: Use of the term “item” is standard across USCIS forms, and cannot be changed. However, USCIS has updated the instruction to include “for each prior spouse.”

105. One (1) commenter stated that the headings in question 8, items A-H (information on prior spouses of applicant's current spouse) are confusing because they indicate "Prior spouse," and suggested they be re-labeled as "Current spouse's former spouse" for clarity.

Response: Due to character limits on the form fields in this section, USCIS cannot adopt this suggestion. In addition, USCIS believes the current verbiage in this question is sufficiently clear that information on the previous marriages of the applicant's current spouse is being requested.

106. One (1) commenter stated that the use of the descriptor “prior spouse’s...” in question 8, items A-C is confusing, when we are requesting information about the applicant’s current spouse’s prior spouse. The commenter also questioned how this information applies to an applicant's eligibility for naturalization, if the applicant's current spouse's prior marriage has been duly terminated.

Response: Part 9, questions 1-7 are eliciting information about the applicant's marital history and current spouse. The inquiries in question 8, items A-H elicit information concerning prior marriages of the current spouse of the applicant and are separate and apart from the first line of inquiry. The term "prior spouse" is used throughout both lines of inquiry for consistency and to avoid confusion.

The adjudication process is an evaluation of the totality of circumstances of an applicant, which includes their relationship to family members past and present. This information is vital and relevant to the determination of issues of children’s legitimacy, fulfillment of court-ordered child support (which can impact on Good Moral Character as described in section 316 of the INA), future claims to USCIS made on behalf of children, evaluation of applications filed under section 319 (Married Persons and Employees of Certain Nonprofit Organizations) of the INA, and issues of marital union. These requests are necessary and vital to an informed adjudication of Form N-400.

107. One (1) commenter stated that the additional requested information in question 8, items C-E, regarding the prior spouses of the applicant's current spouse, including date of birth, country of birth, and country of citizenship or nationality "in no way relates to the applicant's eligibility for naturalization, is overly burdensome to obtain, and the question should be removed from the form."

Response: The adjudication process is an evaluation of the totality of circumstances of an applicant, which includes their relationship to family members past and present. This information is vital and relevant to the determination of issues of children's legitimacy, fulfillment of court-ordered child support (which can impact on Good Moral Character as described in section 316 of the INA), future claims to USCIS made on behalf of children, evaluation of applications filed under section 319 (Married Persons and Employees of Certain Nonprofit Organizations) of the INA, and issues of marital union. These requests are necessary and vital to an informed adjudication of Form N-400. Therefore, the recommendation will not be adopted.

108. One (1) commenter suggested that "Spouse deceased" in items 8H and 9H should be changed to "Spouse died."

Response: USCIS will not adopt this suggestion. For consistency in describing how the marriage ended, USCIS will retain the nominative descriptor 'deceased', as opposed to the verbal descriptor 'died.'

109. One (1) commenter noted that the instructions in question 9 refer to items A through G, but there is no item G listed.

Response: USCIS appreciates this notice, and has edited the form accordingly.

110. One (1) commenter suggested that item 9B be modified to reflect the language included in the instructions: "Your prior spouse's immigration status during your marriage".

Response: USCIS appreciates the commenter's suggestion and has modified the item for clarity.

111. One (1) commenter suggested that there be an electronically- generated continuation page to allow for the situation where the applicant has had more than one previous spouse.

Response: USCIS appreciates the commenter's suggestion; however, such a change would be operationally prohibitive at this time and would require a major re-working of the form. USCIS thanks the commenter for this suggestion, however.

112. One (1) commenter stated that the applicant should not be required to report his/her prior spouse's date of birth in question 9, since this information was not previously required, and because an applicant may no longer be in contact with his/her prior spouse and therefore may not have access to this information. The commenter states that the date of the marriage and the date the marriage ended should suffice.

Response: The adjudication process is an evaluation of the totality of circumstances of an applicant, which includes their relationship to family members past and present. This information is vital and relevant to the determination of issues of children's legitimacy, fulfillment of court-ordered child support (which can impact on Good Moral Character as described in section 316 of the INA), future claims to USCIS made on behalf of children, evaluation of applications filed under section 319 (Married Persons and Employees of Certain Nonprofit Organizations) of the INA, and issues of marital union. These requests are necessary and vital to an informed adjudication of Form N-400. Therefore, the recommendation will not be adopted.

113. **One (1)** commenter indicated that the blank next to "Other" should be a text box, to be consistent with item 9F.

Response: USCIS appreciates this notice, and has inserted a text box next to this item.

Part 10. Information About Your Children

114. **Five (5)** commenters questioned the need for collecting extensive and detailed information concerning children. **One (1)** commenter noted that this section occupies 2 pages of the form, and stated that USCIS might solicit this information "in a more concise manner" by allowing the applicant to submit all information on children in an addendum. The commenter asks that USCIS consider the burden it creates for practitioners to enter all of the requested information. **One (1)** commenter stated that USCIS's "policy interest is outweighed by the cumbersome nature of this information collection. It is more appropriate to ask only name, A-number (when known), and city, state, and country where the child is living." **One (1)** commenter stated that the new form asks for "detailed personal data points for children of applicants that have no bearing on the applicant's eligibility for naturalization." The commenter believes that "the naturalization process is an inappropriate time to fish for extraneous information regarding family members and affiliations beyond the scope of eligibility." **One (1)** commenter stated that the proposed form requests information "that is beyond the information necessary to adjudicate a naturalization application," that this information would be difficult for some applicants to obtain and thus, "hinder a potential immigrant's desire to naturalize." **One (1)** commenter stated that this section "goes too far, especially as it relates to adult children." The commenter stated that requesting information on all children, "whether minors or adults, is confusing because the language does not fit the definition of a child in the INA - unmarried and under 21." This commenter further stated that including check boxes for the "type" of child is "unduly invasive" and not relevant to the applicant's eligibility for naturalization, and requested that this be deleted from the form. The commenter stated that name, A-number, age, city, state and country is sufficient information to request, and all other questions should be deleted.

Response: The adjudication process is an evaluation of the totality of circumstances of an applicant, which includes their relationship to family members such as children. This information is vital and relevant to the determination of issues of children's legitimacy, fulfillment of court-ordered child support (which can impact on Good Moral Character as described in section 316 of the INA), future claims to USCIS made on behalf of children, evaluation of applications filed under section 319 (Married Persons and Employees of Certain Nonprofit Organizations) of the INA, and issues of marital union. These requests are

necessary and vital to an informed adjudication of Form N-400. USCIS has removed the request for children's Social Security numbers from the form; however, the remaining data fields will be retained.

- 115. One (1)** commenter asked whether children need to be listed in a specific order, and whether this matters to the computer.

Response: The order that the information is entered will not have any impact on its intake into computer systems.

- 116. One (1)** commenter recommended adding "instructions for Part 10 on how to include number of children. The proposed wording is confusing and should be simplified."

Response: The instructions for Part 10 of the proposed revision of Form N-400 provide a clarification of the information being requested. Number 1 under Part 10 in the instructions states in part "Indicate your total number of children...Count all your children, regardless of where they are:..." Thereafter the instructions list 8 separate classifications of those children, thus clarifying the information USCIS is requesting.

- 117. One (1)** commenter suggested that USCIS "make this simpler by referring applicants to the instructions for a list of who to include in the total number of children."

Response: The instructions for Form N-400 are co-located with the form itself on the uscis.gov website and are available for review at any time should an individual desire to do so. Such directions as recommended would have to be introduced into every individual section for consistency if USCIS made the recommended changes.

- 118. One (1)** commenter noted that while the instructions call for listing deceased children, there is no place to indicate that the child is deceased. The commenter stated that "it will be much easier if an applicant could just check a box to deal with that sensitive situation."

Response: USCIS appreciates the commenter's concern. The instructions for the proposed revision of Form N-400 Part 10. 2. A.6. (3) instruct the applicant to indicate this information in the space provided for the address.

- 119. One (1)** commenter asked for clarification whether the term "children living with you" in item 1 refers to children who are not biological or adopted, but who may be included as derivatives.

Response: The criteria for derivation of U.S. citizenship of a child from a U.S. citizen parent(s) is outlined in section 320 of the INA

- 120. Two (2)** commenters stated that the request to list specific addresses for all children, even those in a foreign state" is "irrelevant" to the naturalization process. One (1) commenter stated this request is "cumbersome, and potentially violates privacy of USC citizens and other adults", while the other commenter stated that requesting such information "imposes additional hurdles for applicants, especially those who may be estranged from children."

Response: The adjudication process is an evaluation of the totality of circumstances of an applicant, which includes their relationship to family members such as children. This information is vital and relevant to the determination of issues of children's legitimacy, fulfillment of court-ordered child support (which can impact on Good Moral Character as described in section 316 of the INA), future claims to USCIS made on behalf of children, evaluation of applications filed under section 319 (Married Persons and Employees of Certain Nonprofit Organizations) of the INA, and issues of marital union. These requests are necessary and vital to an informed adjudication of Form N-400. Therefore, the recommendation will not be adopted.

- 121. One (1)** commenter asked for clarification whether the A Number needs to be listed for a U.S. citizen child in item 2A2.

Response: U.S citizen children should enter their Alien number if they were permanent residents or are still in possession of their permanent resident card (green card).

- 122. One (1)** commenter suggested that the option 'none' be included with the child's U.S. Social Security Number in item 2A3.

Response: USCIS has removed the request for children's Social Security numbers from the form.

- 123. Eight (8)** commenters questioned the purpose of requiring applicants to list the Social Security numbers of their non-U.S. citizen children. **Two (2)** commenters stated that USCIS should either explain why it is asking for the child's U.S. Social Security Number, or delete the item. The commenters further noted that the form already indicates that the applicant need not list the Social Security Number of U.S. citizen children, and already asks for alien numbers, which would apply to many non-citizen children. **One (1)** commenter recommended that USCIS "remove this request for the Social Security Numbers of the applicant's non-U.S. citizen children because this information has no bearing on the applicant's eligibility for naturalization. Furthermore, USCIS's purpose in seeking this personal and private information is not clear." **One (1)** commenter stated that this information is not currently required, and "is irrelevant to the application." **One (1)** commenter stated that requesting the Social Security number of non-citizen children "seems unduly intrusive". **One (1)** commenter stated that applicants "should not be required to ascertain and disclose social security numbers of other private individuals that are not subjects of the application."

Response: USCIS thanks the commenters for these suggestions, and has removed this data collection request from the form.

- 124. One (1)** commenter noted that although the form instructions state that an applicant may write "Child Residing With Me" in the child's home address section, it would be simpler for the applicant to have a "Lives With Me" checkbox next to the address field in item 2A6.

Response: Revised Response: After reviewing the comment, USCIS will maintain the word "residing" as the term "lives" has multiple meanings that could result in confusion and incorrect responses. USCIS thanks you for your comment, but will not adopt the recommendation at this time.

125. One (1) commenter stated that item 2A7 "What is your child's relationship to you?" should be eliminated because "as long as the applicant has included each of his/her children, it does not matter whether the children are biological, adopted or stepchildren."

Response: Information concerning relationship is necessary in order to verify that a child is related to the applicant. This information is relevant to good moral character as defined in section 316 of the INA, concerns surrounding court-ordered child support, as well as applications for future claims to USCIS made on behalf of the child.

126. Seven (7) commenters pointed out that the checkboxes in item 2A7 for the child's relationship include 'Current stepchild,' although the form asks for only information about 'biological and legally adopted children.' The commenters found this instruction "inconsistent" and "confusing," and requested clarification. Two commenters recommended removing the stepchild option, to eliminate confusion.

Response: USCIS appreciates this suggestion. Checkboxes have been eliminated and the instructions have been updated to clarify how information in that field will need to be entered.

127. One (1) commenter stated that such information requests may lead applicants to "make a guess or indicate information that is not correct in an attempt to comply with this information." The commenter strongly recommends including the option of indicating 'Unknown' to allow applicants "to respond truthfully and accurately while also not causing undue delay in the completion of a naturalization application."

Response: Section 316.10(a)(1) of 8 CFR states in part: "An applicant for naturalization bears the burden of demonstrating that, during the statutorily prescribed period, he or she has been and continues to be a person of good moral character..." Section 316.10(b)(2)(vi) of 8 CFR goes on to say that "An applicant shall be found to lack good moral character if during the statutory period the applicant... has given false testimony to obtain any benefit from the Act..." The information requested on Form N-400 is necessary to make determinations of good moral character, continuity of residence, and general eligibility to naturalize as defined under section 316 of the INA. Adding the option to check 'unknown' will cut off the line of inquiry needed to make those determinations. Form N-400 does indicate that "N/A" or "None" may be indicated if an item is not applicable. Therefore, the recommendation will not be adopted.

128. One (1) commenter recommended deleting space for the fourth child in item 2D, to help shorten the form.

Response: USCIS appreciates the commenter's suggestion. However, USCIS has determined that the space provided is sufficient for the average number of children in a family, and will not adopt this suggestion.

129. One (1) commenter suggested that there be an electronically-generated continuation page to allow for the situation where the applicant has a large family.

Response: Operationally, USCIS does not have the capability to incorporate this suggestion at this time. The form instructs the applicant to use additional sheets of paper to list additional children.

130. **One (1)** commenter stated that having space for only four children "will result in a lot of addendum pages" because "applicants from many countries have larger than 'normal' families as a rule."

Response: USCIS has determined that the space provided is sufficient for the average number of children in a family. USCIS appreciates the commenter's suggestion, but will not increase the form length.

Part 11. Additional Information

131. **One (1)** commenter indicated that the wording in question 5 is confusing: *'Have you ever been declared legally incompetent and/or been confined to a mental institution during the last 5 years?'* The commenter suggested that the word 'ever' be removed, if the question is only concerned with the last 5 years.

Response: USCIS appreciates your bringing this issue to our attention. Your comments have been reviewed and USCIS has made edits to the question to clarify the information and time periods being requested, in order to avoid confusion.

132. **One (1)** commenter stated that more space is needed in the chart on question 9 to list the names of groups.

Response: USCIS appreciates this suggestion, and will resize the columns to allow for more space in the Names of Groups column.

133. **One (1)** commenter wished to know how far back a person should report club membership in question 9 -whether there is an age from which a person should begin reporting memberships or whether the person should report all memberships throughout their lifetime, to include childhood.

Response: Since all of the information collected in this section is relevant to establishing an applicant's eligibility for naturalization, USCIS does not find it necessary to place restrictions on what information the applicant chooses to provide.

134. **One (1)** commenter stated that instructing the applicant in question 10B to 'See INA Section 101 for definition' of a totalitarian party is 'lazy,' and that no applicant is going to look up this statute. The commenter suggested that USCIS include a definition in the form instructions.

Response: USCIS appreciates this suggestion, and has removed 'see INA section 101 for definition' from the form. However, space restrictions would make the addition of a definition prohibitive. This question is identically phrased on the current version of form N-400 and no issues concerning it have come to the attention of USCIS to date. A definition may be found by searching the uscis.gov website, so an explanation is readily available to the public.

135. One (1) commenter recommended changing the word order in the instructions preceding questions 21-27, to read 'If any of the following questions apply to you, you must answer 'Yes'.... The commenter indicated that the current word order may confuse some applicants, and cause them to answer 'Yes' to all questions even if the answer is 'No.'

Response: USCIS appreciates this suggestion, and has updated the form accordingly.

136. One (1) commenter also requested that the definition of item 13A (in parentheses) be italicized, to be consistent with the other definitions.

Response: USCIS appreciates this notice, and has updated the form accordingly.

137. Thirteen (13) commenters expressed concerns about the vocabulary and definitions used in Part 11.

One (1) commenter is concerned that these questions involve complicated concepts and vocabulary that many applicants may not understand, and that many citizenship educators may have difficulty explaining and teaching. Even with the simplified language and the parenthetical material that follows many of these questions, concepts like 'self-defense unit,' 'vigilante unit,' 'insurgent organization,' and 'labor camp' will only add to the learning load of many immigrants who are seeking citizenship."

One (1) commenter acknowledged that "these questions are intended to address new grounds of removability created by recent legislation," but believes "the proposed questions are too broad sweeping to meaningfully address these concerns. Many new questions have been added, presumably to address whether or not the applicant participated in the persecution of others or terrorist organizations. Unfortunately, none of the new questions directly address either of these bars directly. Instead, the questions call for broad information that does not address the heart of the concern. Many terms used in this series of questions are not defined within the INA, or within the instructions for naturalization and have very broad definitions in conversational English."

One (1) commenter states that questions 12-20 are "unwieldy, legally vague, and vary significantly in terms of their legal relevance. Additionally, this form now asks these questions in a way that does not track other applications. This will create a heavy burden on the applicant to ascertain the agency's meaning and the significance of the question. In some cases, the questions are so vague that it is unclear what information the creators of the document hope to capture."

One (1) commenter stated that questions 13-20 are "poorly worded and overly vague, and do not serve to identify any potential bars to the naturalization process. Many applicants will not know how to answer questions about whether they were involved with hurting someone on purpose, and not letting someone practice his or her religion. These questions do not go to the heart of eligibility and only serve to lead applicants in a confusing quandary as they attempt to answer these questions accurately and truthfully." The commenter also stated that "the wording of these questions presents a significant barrier to many of the communities we serve as there is no literal translation of many of the activities described in

these questions. Terms like 'vigilante group', 'rebel group', 'guerrilla group', and 'insurgent organization' do not have literal translations in many API languages. These concepts are very broad and confusing to explain. Many applicants will not understand what these concepts mean, resulting in delays and further deter eligible and qualified applicants from applying."

One (1) commenter expressed concerns that new questions 13-20 "are overly broad and go beyond the grounds of inadmissibility outlined in the statute. For example, simply being a member of a military, paramilitary, police, self-defense, or other organization does not necessarily mean that the person engaged in activity that would bar naturalization. Furthermore, any activity that might have taken place as a result of such affiliations, which may impact the applicant's eligibility, would be disclosed in response to Question 13, relating to genocide, torture, killing, or other harm."

One (1) commenter requested "clarification concerning the scope of activity that should result in affirmative responses to questions in Part 11, and the availability of opportunities in the application process to provide more detailed explanations that mitigate in favor of finding that an applicant has satisfied the good moral character requirement. The commenter is "concerned that as written, these questions may cause certain applicants to erroneously conclude that they are not eligible for naturalization. Moreover, an applicant's honest and complete responses to the questions as written may indicate the existence of a character issue where none exists."

One (1) commenter stated that questions 13 through 20 in Part 11 "are worded so broadly that they may cover lawful activity which would not subject any applicant to a judgment of bad moral character. For instance, someone who worked as prison guard in the United States and who used a baton to quell a dangerous prisoner riot would apparently be required to answer "Yes" to questions 15A and 16A. An employee of a gun manufacturer who sold weapons to a lawful municipal police force might be required to answer questions 17 and 17A affirmatively. A U.S. Army recruiter who visited a high school and spoke to minors might be technically guilty of recruiting a child to be soldier. While adjudicators can, and presumably will, seek additional information about any questions answered "Yes", and determine when an application should rightfully be rejected based on bad moral character, the overbreadth of the questions asked is likely to dissuade some applicants from even commencing the naturalization process." The commenter encourages USCIS "to consider narrowing the scope of Questions 13 through 20 so that they more closely reflect actual grounds of ineligibility based on bad moral character. For example, question 14C might be revised to provide appropriate clarification as follows: "Police unit not authorized by law, or a police unit that engaged in enforcement actions on the basis of the target's race; color; descent; sex; disability; language; religion; political opinion; national origin; ethnicity; membership in a particular social group; birth; or sexual orientation or gender identity?"

One (1) commenter stated that the addition of questions 13 through 20 "is burdensome and unnecessary," and the questions are "overbroad, beyond the scope of relevant information to establish naturalization eligibility, and vague." The form previously asked the applicant directly if the applicant was involved in the persecution of others. Additionally, the form already asks for all group involvements. The further breakdown of this inquiry into poorly-worded, vague and ill-defined questions does not add to the inquiry." The commenter suggests that USCIS therefore not add these new questions. The commenter also stated that the form asks for group involvements "without defining the terms used. The following

terms are used without definition: 'self-defense unit,' 'citizen unit,' and 'rebel group.' 'Vigilante unit' and 'guerilla group' are defined, but poorly." The commenter believes "there is no way for an applicant to know whether or not they belong to these groups. If these terms are required, they must be defined with specificity and should include in the definition only groups that used or use physical force or violence. A self-defense unit, without reference to a specific group lacks meaning in common English. At best, it is a term of art that is out of place on this form without a definition. Vigilante unit, as described in the application could easily refer to U.S neighborhood watch groups, private security firms, contract workers for the U.S. government, ICE agents, etc. Because it is so overbroad, unclear and vague it should be stricken. As worded, every applicant who played cops and robbers as a child has 'acted' like a police officer and should mark yes. No definition is provided for the term 'rebel group.' This could be a group of people that expresses a mere political or culturally rebellious position. For instance an organization that believes in 'rebellious lawyering' (that is, lawyers who advocate against the government and/or practice in a rebellious or untraditional manner) could fall within this undefined term. Again, the conduct of the group is more relevant in the immigration process, yet these questions do not ask if the person was a member of any group that used violence or force to 1) overthrow a government or 2) harm individuals because of their race, nationality, ethnicity, religion, political opinion or membership in a particular social group. "

The commenter further believes that the questions "cover a variety of lawful activities which are irrelevant to naturalization eligibility," and "are likely to cause more confusion, muddy the application process, and create an undue time burden on both the applicant and the government agency officers attempting to glean relevant information from responses." The commenter states that the previous form, or "a form that adds specific questions that ask about the specific conduct at issue, would be more appropriate. For instance, question 16 more directly asks for the relevant information. By retaining question 16 and deleting question 14, the application will be more relevant, less burdensome and clearer."

One (1) commenter stated that question 15 "is also overly broad in that it is not limited to information that will have a meaningful impact on the applicant's naturalization eligibility. For example, working as a prison guard is a lawful type of employment. It may also be lawful to detain or house people in certain circumstances, such as the detention of criminals in prisons or other facilities, or the housing of wards of the state in orphanages or the chronically disabled in state-run group homes."

The commenter stated that questions 16, 17, 18, and 19 "could also encompass lawful activity. For example an applicant could answer "Yes" to all of the questions in question 16 merely because he was employed by a legitimate military or prison unit. Similarly, questions 18 and 19 could concern purely legitimate military service. In addition, while question 17 seems to relate to the material support bar, the question as worded is too broad. Selling or helping to sell weapons is not necessarily an unlawful activity, even if those weapons are known to be used against another person, particularly when issues of self-defense are involved. For all of these reasons, we encourage USCIS to carefully review questions 13 through 20 and modify them so that they are more narrowly tailored to the relevant statutory inadmissibility provisions."

One (1) commenter stated, in reference to question 13A, that "Genocide is not in any way defined as "hurting someone..." Either change "Genocide" to "Hate Crime" or use a better

definition of Genocide (The deliberate killing of a large group of people, esp. those of a particular ethnic group or nation)."

One (1) commenter stated that the references to 'badly hurting' or 'trying to hurt' in question 13D could contain connotations of hurt feelings or 'other activity that is not relevant'. The commenter suggested 'serious physical harm' and 'mental cruelty' would carry more appropriate connotations.

One (1) commenter stated, in reference to questions 13C-E, that "to ask someone if they have 'tried' to commit an act is extremely vague and could encompass thoughts or behaviors that do not reflect actual conduct." The commenter suggested that the question be worded to ask specifically about attempted crimes.

One (1) commenter stated that "hurting" a person is "such a broad term that almost every person would have to answer in the affirmative. For example, it could potentially encompass emotional damage or a playground scuffle." The commenter recommends that questions on the N-400 "be limited to actions defined within the INA and match questions on other forms that investigate past criminal conduct, such as the I-485 and I-821."

One (1) commenter recommended that USCIS modify question 13D, 'Were you ever involved in any way with ... Badly hurting, or trying to hurt, a person on purpose?' "to more narrowly tailor it to solicit information that will impact the applicant's ability to naturalize. We recommend that USCIS rephrase this question as follows: "Were you ever involved in any way with ... the persecution (either directly or indirectly) of any person because of race, religion, national origin, membership in a particular social group, or political opinion?" This would more accurately reflect the political undertone of the subparts within question 13 and would eliminate unintended admissions."

One (1) commenter stated that words and phrases that are "highly likely to be misunderstood or not understood at all by certain applicants" include: "self- defense unit" (14D), "rebel group" (14F), "Detention facility" (15C - the parenthetical explanation "place where people are forced to stay" is an overbroad definition of the term), "enlist" and "conscript" (19), and "offense" (

One (1) commenter stated that "asking someone if they have been involved in any way with 'trying' to do something is asking for too tenuous a connection between the applicant and the potential bad act. This formulation is vague and can encompass thoughts or behaviors which do not shed light on an individual's actions or actual conduct. Should attempted crimes be the point of these questions, then it should be stated directly. Several forms have been re-written over recent years to encompass questions to illicit similar information with more specific inquiries. See Form I-485, I-821 and I-821 D." The commenter further stated that "the term to hurt is overbroad and vague. It is hard to imagine a human being that has not 'been involved in any way' with 'trying to hurt' someone else 'on purpose' at some point in her life. An argument with a sibling at the age of 10, a love affair ending badly, but without any violence or extreme cruelty, the examples are endless. As such, the questions should be limited to asking legally relevant information. This question should specify extreme cruelty or serious physical harm, or at very least match other forms which ask the applicant if they have injured someone." The commenter expressed similar concerns with question 13E "dealing with sexual conduct. While it seems this question is in the persecutor

of others section and hopes to get at conduct such as rape, the question is too broad. It would be more appropriate to ask this question directly, using terms that are at least defined in our criminal laws or the INA. (Since this question should call only for actions that would be considered criminal, the questions around arrest and crime already deal with this issue. As such this question should be deleted.)"

One (1) commenter stated that question 17 "calls for conduct beyond the scope of eligibility. Whether the applicant ever sold a weapon or helped sell a weapon to any person is overbroad and does not directly address an issue of eligibility for naturalization. This question should focus more directly on the illegal sale of weapons, or on knowingly assisting in the persecution of others."

One (1) commenter states that questions 17 and 20, concerning weapon use and making a child do anything that helped or supported people in combat, are "so broadly drawn that they could potentially encompass owning or selling a legal weapon with no ill intent, or asking a child to write a letter to a parent deployed in combat." The commenter believes that these questions "do not shed light on the germane issues: illegal sale of weapons and/or knowing persecution of others," and questions should therefore be limited to direct inquiries about these issues.

One (1) commenter suggested rewording question 17A "...did you know that this person was going to use the weapons against another person?" in plain language as "...did you know this person was going to use the weapons to hurt someone?"

One (1) commenter stated that question 20 "is broad sweeping and inappropriate. Anyone who ever asked children to write a letter to troops, hug their father before he left for service, etc., would have to mark yes to this question. Again, the more direct specific inquiry posed in question 19 is a better question. Question 20 should be deleted."

Response: USCIS understands the concerns raised by these comments; however, USCIS has decided to retain Part 11, questions 13-20, as originally proposed. The Intelligence Reform and Terrorism Prevention Act (IRTPA), Pub. L. No. 108-458, 118 Stat. 3638 (Dec. 17, 2004), codified at 42 U.S.C. §2000ee, 50 U.S.C. §403-1 et seq., §403-3 et seq., §404o et. seq.), requires that the Attorney General and Secretary of Homeland Security develop procedures to "obtain sufficient evidence to determine whether an alien may be inadmissible under the terms of the amendments made by this subtitle."

USCIS has worked diligently to utilize plain language in drafting these questions and in defining less commonly used terms in an effort to simplify the IRTPA statutory requirement as much as possible. See the Plain Writing Act of 2010; Clear Government Communication Pub.L. 111-274, §§ 1 to 7, Oct. 13, 2010, 124 Stat. 2861, (providing that: "[t]he purpose of this Act ... is to improve the effectiveness and accountability of Federal agencies to the public by promoting clear Government communication that the public can understand and use.").

Importantly, a "yes" answer to any of these questions will not result in an automatic denial of the application. Any applicant who answers "yes" to these questions may provide an explanation regarding his or her conduct and that explanation will be reviewed by USCIS during the naturalization process. USCIS has now added a statement to the instructions that

answering “Yes” to a question in Part 11 does not automatically trigger ineligibility for naturalization.

Moreover, if at the naturalization examination the applicant does not appear to understand the question, 8 CFR 335.2(c) requires the examining USCIS Service officer to repeat the question in a different manner and elaborate until the officer is satisfied that the applicant either fully understands the question or is unable to understand English.

Furthermore, adjustment of status to lawful permanent resident and naturalization are two separate and distinct processes. Each process is governed by separate laws and regulations. While several of the questions on the forms appear to be similar or the same, they are necessary at both stages of the process, which can occur several, or even many years apart. USCIS must evaluate the good moral character of the naturalization applicant during the statutory period, which generally starts 3 or 5 years before the date of filing for naturalization; therefore, the answers the applicant gave on the Form I-485 may have occurred before the statutory period even began. Additionally, INA 318, 8 U.S.C. 1429, requires that a naturalization applicant was lawfully admitted for lawful permanent residence. Thus, USCIS must determine whether the applicant was, in fact, lawfully admitted in order to determine that the applicant is eligible for naturalization. Accordingly, omitting the questions in this section of the N400 form and using the answers from the prior adjustment application would remove information that is necessary to the eligibility determination for naturalization.

- 138. One (1) commenter** stated that some applicants’ experiences, which allowed them to be granted a duress exemption when adjusting status, would lead applicants to they must answer ‘Yes’ to one of these questions, but because “there is no opportunity to explain the situation on the proposed revised form, “such an individual may well opt not to apply for citizenship at all.” The commenter further states that although it is likely the individual would not be judged ineligible for citizenship once the circumstances of his or her involvement were explained, the commenter recommends that USCIS to “make clear on the N-400 Form and in accompanying Instructions that in the application process, there will be an opportunity to explain mitigating circumstances, and that a ‘Yes’ answer to questions concerning good moral character does not necessarily mean the applicant will be found ineligible.”

Response: USCIS appreciates the commenter’s concerns. Both the form instructions and the information contained just below Part 11 on the form itself advise the applicant to provide an explanation if the applicant answered “yes” to any of those questions. Therefore, an applicant does, in fact, have an opportunity to explain the situation. Additionally, USCIS has decided to add an additional statement to the instructions informing applicants that answering “yes” to one of these questions does not automatically result in denial.

- 139. One (1) commenter** stated that many of these questions seem unnecessary, since "all applicants have applied for permanent residence and have answered the same questions as in Part 11, questions 13-18, before being granted permanent residence."

Response: Adjustment of status to lawful permanent resident and naturalization are two separate and distinct processes. Each process is governed by separate laws and regulations. While several of the questions on the forms appear to be similar or the same, they are necessary at both stages of the process, which can occur several, or even many years apart. USCIS must evaluate the good moral character of the naturalization applicant during the statutory period, which generally starts 3 or 5 years before the date of filing for naturalization; therefore, the answers the applicant gave on the Form I-485 may have occurred before the statutory period even began. Additionally, INA 318, 8 U.S.C. 1429, requires that a naturalization applicant was lawfully admitted for lawful permanent residence. Thus, USCIS must determine whether the applicant was, in fact, lawfully admitted in order to determine that the applicant is eligible for naturalization. Accordingly, omitting the questions in this section of the N400 form and using the answers from the prior adjustment application would remove information that is necessary to the eligibility determination for naturalization.

140. One (1) commenter noted that page 14 "has 6 different instances where more difficult vocabulary words, such as 'genocide' and 'vigilante' are explained or defined in simpler terms in parentheses. So why then must the term 'habitual drunkard' still be used?"

Response: While USCIS has defined some terms used on the Form N-400, it has not defined every term. USCIS has determined that it is not necessary to further define or explain the term "habitual drunkard" on the N-400 form; however, during the naturalization interview, USCIS officers will explain or further define the term if the applicant does not understand the term. See 8 C.F.R. 335.2(c).

141. One (1) commenter suggested adding an 'N/A' option for questions 38 and 39, which concern current U.S. service members stationed overseas or scheduled to deploy.

Response: The questions were designed to elicit 'Yes' or 'No' answers, in order to reduce any ambiguity surrounding the applicant's eligibility for naturalization.

Part 12. Your Signature

142. One (1) commenter recommended that the signature block "include a reference informing the applicant that a designated representative may sign the form if the applicant is unable to sign due to a physical or developmental disability or mental impairment. The accompanying instructions to this section should clarify who qualifies as a 'designated representative.'"

Response: USCIS appreciates your recommendation to clarify who qualifies as a designated representative; however, USCIS has chosen not to adopt your recommendation. The form instructions do notify applicants that a designated representative may sign on their behalf on Part 12 of the Form. Please note, also, that the term "designated representative" is defined in the USCIS Policy Manual, which is publicly available.

Part 13. Interpreter's Statement and Signature

143. One (1) commenter stated that the form and instructions "are inconsistent in their descriptions of when the interpreter's statement and signature section must be completed. The certification statement on the form provides, 'I further certify that I have read each and every question and instruction on this form' While the instructions state, '[a]n interpreter must complete this section of Form N-400 if an interpreter was used to complete any question(s) on Form N-400.'" The commenter requests that USCIS "clarify exactly when the certification statement must be completed and signed. For example, in an application workshop setting, would a volunteer who clarified a single term in a particular question be required to sign the statement? Would one person who explains the form to a group of people at an information session be required to sign all of their application forms? We are also interested in learning more about the agency's rationale for including this certification on the N-400, when it is not routinely included on other USCIS forms."

Response: USCIS has amended the N-400 instructions and form to clarify when it is necessary to complete the Interpreter's Statement and Signature. The N-400 form and instructions now clarify that the Interpreter Statement should only be completed when an applicant is exempt from the English language requirement, either because the applicant is seeking an exemption from the requirement because of a physical or developmental disability or mental impairment (N-648), or because the applicant qualifies for an exemption from the requirement based on the applicant's age and length of time the applicant has been a lawful permanent resident.

144. One (1) commenter stated that another reason the proposed form is so long is the inclusion of Parts 13 and 16. The commenter recommended that both parts be eliminated from the form and become addendums, "since they will be used rather infrequently."

Response: USCIS appreciates your comment. Part 13, dealing with interpreters, and Part 14, dealing with preparers, have now been reordered, and additional instructions have been added to further clarify when the sections must be completed.

Part 16 captures information dealing with renunciations of titles or orders of nobility. An applicant who has a title or order of nobility must renounce such title or order of nobility and the renunciation must be recorded as part of the naturalization proceedings. See INA 337(b), 8 U.S.C. 1448(b); 8 C.F.R. 337.1(d). While Part 16 may only apply to a minority of applicants, including the information on the form itself ensures that the appropriate information is captured to comply with the statute and regulations.

Part 14. Signature and Contact Information of Person Who Prepared This Form

(No comments received for this section)

Part 15. Signature at Interview

(No comments received for this section)

Part 16. Renunciation of Foreign Titles

145. Two (2) commenters stated that this section “uses up considerable conservable space on the form” and speculate that this section would only apply to “perhaps one applicant in a million.” For these reasons, both commenters suggested that USCIS eliminate this section, and address it on a separate form that can be used by an officer if the situation arises.

Response: Thank you for your recommendation. An applicant who has a title or order of nobility must renounce such title or order of nobility and the renunciation must be recorded as part of the naturalization proceedings. See INA 337(b), 8 U.S.C. 1448(b); 8 C.F.R. 337.1(d). While Part 16 may only apply to a minority of applicants, including the information on the form itself ensures that the appropriate information is captured to comply with the statute and regulations.

146. One (1) commenter recommended that USCIS “take out the square brackets and the phrases within, as the preceding phrases “I further renounce the title of _____” and “I further renounce the order of nobility of _____” specifies that that title or order of nobility should be written in the space provided, and therefore the square bracketed phrase after is completely unnecessary. Also, change the second phrase to say “I further renounce the order of nobility of _____”.

Response: USCIS has accepted your recommendation.

Part 17. Oath of Allegiance

147. One (1) commenter stated that the Oath of Allegiance on the form “does not seem to be the oath that judges give to applicants.” The commenter stated that the first sentence, in particular, “seems to be modernized” by judges. The commenter suggested that “if the wording isn’t statutory,” that the Oath “more closely reflect the oath that judges give.”

Response: The principles of the Oath of Allegiance are contained in section 337(a) of the INA, 8 U.S.C. 1448(a). The actual text of the oath of allegiance that must be recited by applicants for naturalization, unless they are otherwise exempt, is contained in the regulations at 8 C.F.R. 337.1(a). The text of the Oath of Allegiance that appears in Part 17 of the form is taken directly from the regulations.

Other

2D Bar Code

148. One (1) commenter found the 2D barcode technology “very neat,” but found the 2D barcodes themselves “very off-putting.”

Response: USCIS is enhancing its highest-volume forms with Adobe Fillable format features, which will help reduce customer errors such as guiding data entry to meet the length and type requirements of USCIS systems, and preventing selection of multiple values when only a single value is allowed. The two-column format standardizes fields across form types and improves read-rates during intake. As a customer completes a 2D barcode form electronically, a barcode at the bottom of the form captures the data. Once completed, the customer prints and signs the form and mails it to USCIS with supporting documentation. When the filing location is a Lockbox facility, the information in the barcode is scanned and

uploaded to Lockbox and USCIS systems, which will improve data quality, speed application intake, reduce rejections, and keep processing costs to a minimum.

- 149. Two (2)** commenters questioned why the bar code at the bottom of each page is so much larger than on the current form, and asked whether it could be reduced in size, in order to reduce the number of pages.

Response: USCIS has determined that technical requirements that ensure data integrity require the barcode size as currently provided on the form, and no changes will be made.

Format

- 150. One (1)** commenter noted that although the instructions preceding Part 1 tell the applicant to type N/A if an item is not applicable, the form-fillable version will not permit this, and sends an error message "Type alpha characters only."

Response: When the final version of Form N-400 is published for public use the ability to enter "N/A" should be available. The correction of this technical issue is presently being worked on. Should operational issues prohibit such an entry, "NA" will be used as a substitute and the directions on the Form N-400 will be modified appropriately. One of these choices will be available as all items must be answered and fields should not be left blank. We thank the commenter for bring this to the attention of USCIS.

- 151. One (1)** commenter recommended including "a summary at the top of the Application which reads as follows: "Please review the Instructions for Application for Naturalization carefully before filling out this Application. Each eligible applicant in a family must file a separate Application. Print your answers clearly or type your answers using CAPITAL letters. Failure to print clearly may delay your application. Use blue or black ink."

Response: Part 2 "Information About You" specifies this section is to be completed by the "Person applying for naturalization," and the form instructions tell the applicant not to submit one payment for multiple applications; USCIS considers this information sufficient to inform applicants that each eligible applicant in a family must file a separate application. In addition, the instructions on the proposed revision of Form N-400 specifically state that black ink must be used to fill out the form. Blue ink presents a problem with the input of the data on the form on operational levels.

- 152. One (1)** commenter recommended that the date fields include spaces and forward slash marks to make the required format clearer to the applicant. The commenter points out that the form already provides such formatting for phone numbers, Social Security numbers and alien numbers.

Response: USCIS does not feel that more formatting is necessary because:

- (1) Each date field includes a calendar for customers to choose an appropriate date;
- (2) Date fields automatically add slashes when customers enter a 2-digit month, 2-digit day, and 4-digit year (i.e., 01012013);
- (3) Date fields will also accept slashes with a 2-digit month, 2-digit day, and 4-digit year (i.e., 01/01/2013).

153. One (1) commenter suggested that Parts 4, 7, 8, and 10 include a "continuation page" button to bring up a fresh continuation sheet, similar to what is available on the current form in Part 9.

Response: Form revisions make such page additions prohibitive; therefore, the instructions for the N-400 include "if you need more space use additional sheets of paper..."

154. One (1) commenter recommended that each part of the application include a cross-reference to the relevant section and page number of the instructions. For example, the section entitled "Part 2. Information About You (Person applying for naturalization)" should cross-reference the corresponding sections of the instructions, i.e., p. 4-5.

Response: The instructions were designed to be read side-by-side with the proposed revision of Form N-400 to enable the applicant to be easily guided through the preparation process. Adding specific references where an item resides within the instructions to each and every section or item would be operationally prohibitive and impact on the form's length; therefore, the recommendation will not be adopted.

155. One (1) commenter found "no discernible pattern or intent other than adding emphasis" in the use of bold, italic, and capital letters, and stated that this causes the form to look "overly busy." The commenter stated that the formatting "appears random and sometimes the resulting tone is a bit condescending and punitive", and cites as examples the use of bold and italic letters in "do not provide a nickname", "If you are single and have never been married go to Part 10" , "How many total days (24 hours or longer) did you spend outside the United States since you became a permanent resident?" and "I declare under penalty of perjury that I prepared this form..." The commenter questions whether there is "evidence to show that putting something in bold or italicized text makes applicants more likely to fill in the form correctly or be truthful."

Response: USCIS appreciates the commenter's suggestions, and has made edits to Form N-400 to make the form more consistent.

156. One (1) commenter suggested the form be formatted to have one section appear on a single page whenever possible. The commenter stated that some sections are hard to follow because they flow from one page to another. The commenter states that grouping sections on a page may make the form a little longer, but will make it easier to navigate, which will improve accuracy.

Response: USCIS appreciates this suggestion. Single-page sections are not possible, however, due to the length of sections, the amount of information collected, and the need for sequential data collection upon intake.

157. One (1) commenter suggested that the online, fillable form have a simplified format with space for two children, two residences and two jobs, but include a feature where applicants can "add a child" or "add a residence" or "add a job" as needed. The commenter stated that this would make the form easier to navigate and "less intimidating."

Response: USCIS appreciates the commenter's suggestion; however, such a change will require the Lockbox service provider to expend a prohibitive amount of time reworking the form.

Form Length

158. Eighteen (18) commenters expressed concerns with doubling the length of the form from 10 to 21 pages.

Two (2) commenters stated that the expansion of concise lists on the current form (residences, employment, children) into multiple sections requiring multiple fields of information to enter does not appear to serve any useful purpose. One of the commenters indicated that this “would not reduce the time a USCIS officer would take to determine eligibility, but increase the time for the applicant to list the information and the time the officer takes to review the information.”

Five (5) commenters had specific concerns with the relevance of the additional information requested. **Two (2)** commenters stated that that the additional requests for detailed information “would not likely assist in determining an applicant's eligibility for naturalization.” **Two (2)** commenters stated that much of the additional information requested “is extraneous to the requirements for naturalization” and “not relevant to naturalization eligibility.” As an example, one of the commenters stated that “detailed personal information on family members and affiliations is not relevant to the applicant’s eligibility and this is an inappropriate vehicle for collecting this information.” **One (1)** commenter stated that the proposed form “delves into information which has already been addressed and resolved in adjustment of status proceedings, such as participation in persecutory or terrorist activities, and “seeks information that is unnecessary, irrelevant and potentially intimidating, such as the immigration status and alien numbers of the applicant’s parents and the social security numbers of his/her children.”

Eight (8) commenters stated that the increased form length will deter, intimidate or discourage applicants from applying. One of these commenters stated that “asking for additional personal information on family members dissuades qualified immigrants from applying for naturalization. Many will question the need to provide such information and may mistakenly believe that this information hinges on their ability to naturalize.”

Two (2) commenters stated that increasing the length of the form will lead to increased costs. One of these commenters stated that “ the additional training that officers will need and the cost of printing additional pages will all add up to an increase in the fee for Form N400. This would be a major detriment to applicants who are low income but do not qualify for the fee waiver.” The other commenter stated that “the additional time and information solicited will place an undue financial burden on non-profit, BIA recognized legal service providers whose operating budgets are already stretched entirely too thin.” The commenter states that these costs will have to be offset by the applicants for naturalization, “as the increased amount of time necessary to complete the application will have to be reflected in the cost of services.”

Five (5) commenters stated that the increased length of the form will result in increased time expended by applicants, preparers, service providers, attorneys, and USCIS officers.

One (1) commenter stated that the increased form length “will slow the process of aiding applicants with completing the form,” and as a result, the commenter “and other organizations that provide guidance to immigrants interested in naturalization will likely not be able to serve as many individuals as we currently do.” **One (1)** commenter stated that the increased form length “will have a significant impact on time needed by preparers to complete and the time that interpreters will be needed for assisting applicants whose English is limited. This will have a very negative impact on budgets of service providers.” **One (1)** commenter stated that the increased form length will result in “a substantial increase in time burden on applicants, attorneys who must grapple with vague questions and USCIS officers who will have to review the unwieldy amount of collected information and parse out legally relevant answers.” **One (1)** commenter stated that doubling the form length “will increase the time required to complete each application and limit the number of people organizations are able to serve.” **One (1)** commenter indicated that increasing the length of the form will lead to adjudication and processing delays.

Five (5) commenters stated that the increased form length will create an undue burden on the applicant. **One (1)** commenter stated that more than doubling the length of the form “is burdensome and will adversely impact our ability to help vulnerable legal permanent residents gain access to citizenship.” **One (1)** commenter stated that increasing the form length is “ludicrous. No matter the legal requirements, this is unnecessarily onerous, and will only cause further intimidation and more work and more costs for all involved. **One (1)** commenter stated that non-profits “do not have the time or resources to be printing extra pages or helping clients collect unnecessary data.”

Six (6) commenters indicated that the increased form length will create a burden on workshops. Commenters stated the longer form will:

- “...require more time for each application, which in turn will either require more application workers at each workshop or limit how many people can be served”
- ...make large application workshops “unwieldy and difficult to manage”
- “...hinder the pace and efficiency of group naturalization workshops”
- “...diminish the efficiency of naturalization workshops,” and “render the naturalization workshop model impracticable”
- “...impede the ability of workshop-based programs to serve the community”

One (1) commenter stated that the that the additional form length will have the following impacts on his non-profit organization: extended hours for workshops; difficulty for staff to end workshops in a timely manner; loss of unpaid volunteers (especially attorneys) who may not be willing to put in more hours at workshops; difficulty in serving clients caused by loss of volunteer attorneys; length of application will deter many applicants from filing; increased time demands on staff to learn the new application, re-train current volunteers, and change all training materials; increase in budget, since more paper will be required to create new training materials; time and resources will be diverted from other responsibilities within the organization, such as after-school youth programs, voter electoral work, social service work and citizen outreach; potential effect on target outreach numbers; and reduced ability to provide the best service possible to clients.

One (1) commenter stated that by separating the tables for prior address, previous employment and children into separate entries, they take up too much space and demand

too much specific information, which is a burden for the client to collect and enter, "even though it is not really relevant to the application.

One (1) commenter expressed concern that "a USCIS officer will use an incomplete section (like a missing zip code for a previous employer) as an excuse to issue an RFE because the form seems 'incomplete.'"

Six (6) commenters asked USCIS to reconsider the length of the form and to find ways to shorten it "while still accomplishing its intended functions." **One (1)** commenter recommended that USCIS "eliminate parts of the N-400 that are not universally applicable and carefully consider the arrangement and necessity of the 11 newly added pages." **One (1)** commenter indicated it is possible to reduce the length of the form without decreasing the ability to collect necessary information. **Two (2)** commenters recommended that USCIS shorten the form by eliminating questions that seek information "that is not relevant to eligibility for naturalization or that is already available to USCIS through other means."

One (1) commenter suggested that USCIS "develop a generic form that applicants may attach to any application to provide additional information that will not fit on the form," which can be used on the proposed form for Parts 4, 7 and 10. The commenter stated that an attachment form for several applications "will not overly burden USCIS, will ensure uniformity in response format for the N-400 and other applications, and will shorten the length of applications."

Response: The length of the revised Form N-400 has increased due to a number of factors:

1. The addition of 2D barcode technology, including formatting requirements.
2. Questions related to the Intelligence Reform and Terrorism Prevention Act of 2004 and Child Soldier Prevention Act of 2007 requirements.
3. Questions relating to derivative U.S. citizenship.
4. Questions relating to National Security.
5. Questions relating to Good Moral Character (GMC).

The 2D barcode technology will add accuracy and timeliness to the Form N-400 application process. The separation of data from tables into individual fields facilitates data capture in the 2D barcode and ingestion into the USCIS case management system. This technology enables USCIS to minimize the redundancy of people manually entering information through enhancements of a machine-readable process, which makes data entry faster and more accurate.

Form N-400 is among a number of USCIS forms integrating 2D barcode technology; USCIS will continue integrating 2D barcode technology into other USCIS forms. USCIS included information requests mandated by the Intelligence Reform and Terrorism Prevention Act of 2004 (INTEL Act) and Child Soldier Prevention Act of 2007. The additional information is important for USCIS to make a complete and informed determination of an applicant's eligibility for and admission to U.S. citizenship. They relate not only to concerns surrounding good moral character but also to issues relating to the security of the United States.

Historically, the number of applications for naturalization has increased over time in spite of past changes to the Form N-400. Applicants should neither feel intimidated by, nor be

deterred from, applying for naturalization due to the length or by additional information requests.

The requests for additional information are important for USCIS to make a complete and informed determination of an applicant's eligibility for and admission to U.S. citizenship. Information concerning an applicant's former employer may be relevant to concerns surrounding good moral character or to issues relating to the security of the United States. USCIS is integrating existing processes into the form, which standardizes the process. USCIS has worked diligently to minimize requests for information at the interview. USCIS intends to provide applicants timely and proper notice to gather necessary information prior to their scheduled interview.

The focus is to understand the advantages of the more comprehensive and technologically-advanced form as well as how it will be beneficial to the application process, with the end result being to maintain the security of the United States.

USCIS appreciates your comments, and has adopted some of the commenters' suggestions to eliminate certain data collection fields. In the end, your cooperation and understanding of how these revisions will benefit the overall application and interview process will help make this transition smoother for all.

- 159. One (1)** commenter stated that the additional information requested will make it difficult for applicants to fill out the form by themselves, and they would require outside assistance. The commenter further stated that due to restrictions imposed by the recent G28 rule, the applicants will likely have to hire an immigration attorney, which will add further costs to the process.

Response: USCIS appreciates the concerns expressed in this comment. The additional information added to the form mainly deals with the requirements of the Intelligence Reform and Terrorism Prevention Act (IRTPA), Pub. L. No. 108-458, 118 Stat. 3638 (Dec. 17, 2004), codified at 42 U.S.C. §2000ee, 50 U.S.C. §403-1 et seq., §403-3 et seq., §404o et seq.). USCIS has worked diligently to utilize plain language in drafting these questions and in defining less commonly used terms in an effort to simplify the IRTPA statutory requirement as much as possible. See the Plain Writing Act of 2010; Clear Government Communication Pub.L. 111-274, §§ 1 to 7, Oct. 13, 2010, 124 Stat. 2861, (providing that: "[t]he purpose of this Act ... is to improve the effectiveness and accountability of Federal agencies to the public by promoting clear Government communication that the public can understand and use.").

Interview Length

- 160. Three (3)** commenters stated that interviews would take longer as a result of the longer form. **One (1)** commenter added that the longer form "would require the addition of more documents, statements and affidavits." **One (1)** commenter stated that "because many questions are overly general or vague, interviews will necessarily be longer to determine whether a response on the form is legally relevant."

Response: The adjudication process is an evaluation of the totality of circumstances of an applicant. This information is vital and relevant to the determination of issues of children's legitimacy, fulfillment of court-ordered child support (which can impact on Good Moral Character as described in section 316 of the INA), future claims to USCIS made on behalf of children, evaluation of applications filed under section 319 (Married Persons and Employees of Certain Nonprofit Organizations) of the INA, and issues of marital union. Although certain requests for information have been eliminated from the form, USCIS has determined that most of the information requests are necessary and vital to an informed adjudication of Form N-400.

- 161. One (1)** commenter stated that the changes to the N-400 will require far more study of new vocabulary and concepts, and expressed concern that the interview “not become punitively more difficult, especially for the elderly applicants.”

Response: The Application for Naturalization has been updated to examine the inadmissibility grounds that were added by the Intelligence Reform and Terrorism Prevention Act of 2004. Public Law 108-458 (Dec. 17, 2004). USCIS added these questions as required by the agreement reached through a working group comprised of representatives of affected agencies, including the Departments of Justice and State, and U.S. Immigration and Customs Enforcement of DHS. These additional questions are necessary for USCIS to meet the statutory requirements and the President's directive to make a determination that a person is ineligible to naturalize because of his or her past involvement with terrorism, persecution, torture, or genocide. See, Presidential Proclamation—Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Participate in Serious Human Rights and Humanitarian Law Violations and Other Abuses, at <http://www.whitehouse.gov/the-press-office/2011/08/04/presidential-proclamation-suspension-entry-immigrants-and-nonimmigrants->

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.

Plain Language

- 162. One (1)** commenter recommended that USCIS confer with consultants from TESOL, literacy experts, and citizenship authors, such as Lynne Weintraub and Bill Bliss, as to the literacy level of the questions. The commenter indicated that the civics questions are at about student performance level (SPL) 3 (below the Kindergarten literacy level), but the readability level of the N-400 is far higher, in the high school level range.

Response: During the naturalization test redesign process, USCIS conferred with adult education and citizenship education experts to determine the appropriate literacy level for the naturalization test based on the requirements for naturalization as specified in Section 312 of the Immigration and Nationality Act. The reading, writing, and history and government (civics) portions of the test were developed at the U.S. Department of Education's National Reporting System for Adult Education's High Beginning English as a second language functioning level.

An applicant's ability to speak English continues to be determined by the applicant's responses to questions normally asked by a USCIS Officer during the naturalization eligibility interview based on Form N-400, Application for Naturalization. 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.

- 163. One (1)** commenter indicated that she "has issues with the difficulty of the N400's language" and stated that if there is no way for USCIS to avoid using some of the more difficult words, would it be possible for USCIS to provide citizenship teachers with vocabulary cards that contain simple definitions for some of these more difficult words.

Response: The Application for Naturalization has been updated to examine the inadmissibility grounds that were added by the Intelligence Reform and Terrorism Prevention Act of 2004. Public Law 108-458 (Dec. 17, 2004). USCIS added these questions as required by the agreement reached through a working group comprised of representatives of affected agencies, including the Departments of Justice and State, and U.S. Immigration and Customs Enforcement of DHS. These additional questions are necessary for USCIS to meet the statutory requirements and the President's directive to make a determination that a person is ineligible to naturalize because of his or her past involvement with terrorism, persecution, torture, or genocide. See, Presidential Proclamation—Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Participate in Serious Human Rights and Humanitarian Law Violations and Other Abuses, at <http://www.whitehouse.gov/the-press-office/2011/08/04/presidential-proclamation-suspension-entry-immigrants-and-nonimmigrants->

The USCIS Office of Citizenship will continue to create educational materials for both citizenship teachers and applicants to help them prepare for the naturalization interview and test.

- 164. One (1)** commenter made the following suggestions in wording, to "make the form more readable for non-native English speakers":

- Reword the instruction on page 1 in plain language: "If you do not answer all the questions, your application may be delayed."
- Use "before" instead of "prior to"
- Use "someone" instead of "any person" or "individual"
- Use "if you have one" instead of "if applicable"
- Use "another" instead of "an additional"

Response: USCIS thanks the commenter for providing suggestions to change some of the wording of the form; however, USCIS has determined that the current form language is sufficient and clear enough to not warrant any change at this time.

- 165. One (1)** commenter stated that the "voice" of the sections is inconsistent, and asked why USCIS changes voices in the middle of the form. For example, Part 1 on page 1 is a series of first-person affirmative statements about the applicant, such as "I have been a permanent resident of the U.S. for ..." In Part 2, the form asks third-person questions such

as “Would you like to legally change your name?” and “Are you requesting an accommodation...?”

Response: USCIS concurs and will change the following sections:

Part 1. Information About Your Eligibility

You are at least 18 years old AND

1. Have been a permanent resident of the United States for at least 5 years.
2. Have been a permanent resident of the United States for at least 3 years. In addition, you have been married to and living with the same U.S. citizen for the last 3 years, and your spouse has been a U.S. citizen for the last 3 years at the time of filing your Form N-400.
3. Are a permanent resident of the United States, and you are the alien spouse of a U.S. citizen, and your U.S. citizen spouse is regularly engaged in specified employment abroad.
4. Are applying on the basis of qualifying military service.
5. Other

Part 2. Information About You

Item 10. Are you requesting an accommodation(s) to the naturalization process because of a disability and/or an impairment?

If “Yes”, then check the box(es) below that applies:

- Deaf or hearing impaired that requires an American sign language interpreter who uses the following language (e.g., American Sign Language (ASL)).
- Use a wheelchair or other device that assists with mobility.
- Blind or sight-impaired.
- Require another type of accommodation. Explain: _____

Parts 12-14 will continue to use first-person narrative since the language requires certification and signature. USCIS appreciates the commenter’s suggestions.

- 166. One (1) applicant expressed concern that some applicants "who possess low or basic levels of English proficiency will have difficulty understanding the phrasing and terminology used in portions of the proposed revised N-400. Misunderstandings could lead to erroneous responses that unnecessarily delay or prevent the naturalization of qualified applicants."**

Response: The Application for Naturalization has been updated to examine the inadmissibility grounds that were added by the Intelligence Reform and Terrorism Prevention Act of 2004. Public Law 108–458 (Dec. 17, 2004). USCIS added these questions as required by the agreement reached through a working group comprised of representatives of affected agencies, including the Departments of Justice and State, and U.S. Immigration and Customs Enforcement of DHS. These additional questions are necessary for USCIS to meet the statutory requirements and the President’s directive to make a determination that a person is ineligible to naturalize because of his or her past involvement with terrorism, persecution, torture, or genocide. See, Presidential Proclamation—Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Participate in Serious Human Rights and Humanitarian Law Violations and Other Abuses, at <http://www.whitehouse.gov/the-press-office/2011/08/04/presidential-proclamation-suspension-entry-immigrants-and-nonimmigrants->

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.

Applicants who need assistance completing immigration forms are encouraged to seek help from individuals qualified to provide legal advice. For information on qualified legal service providers, visit www.uscis.gov/avoidscams or call 1-800-375-5283. For a list of free or low-cost legal services, visit the Finding Help in Your Community page on the Citizenship Resource Center at: www.uscis.gov/citizenship.

- 167. One (1)** commenter recommended that USCIS apply plain language principles to make the form more accessible to limited English speakers, and recommended that the sentence preceding Part 1 be reworded, "If you do not answer all of the questions, it may slow down your application."

Response: USCIS has reviewed the comment regarding wording of this question, and has found that the current form language is sufficient and clear enough to not warrant any change.

- 168. One (1)** commenter stated that USCIS has made "no effort" to simplify the form "for understandability for people who only are required to have a BASIC capability in English. Continued use of sophisticated and archaic language, while doubling the size of the application is truly ridiculous, and inconsistent with the requirements of the candidate's abilities."

Response: Form N-400, Application for Naturalization, is a legal document used to determine the eligibility of an applicant for naturalization. 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.

The new 2-D bar codes will assist USCIS in receiving and processing the Application for Naturalization.

Miscellaneous

- 169. One (1)** commenter suggested that the draft revision of the form be tested "with actual customers to see how they navigate the form and how they understand the various sections of the form."

Response: The proposed revision of Form N-400 has been designed, vetted, and reviewed with adult education and citizenship education experts, the U.S. Department of Education's National Reporting System for Adult Education's High Beginning English as a second language, the Office of Chief Counsel, the Office of Citizenship, and USCIS Regional and District Managers, Supervisors, and field Officers. In addition, the proposed revision has gone through a 60 public comment period as well, and during that period received input from community-based organizations and attorneys involved with immigration matters as well as members of the public. USCIS therefore believes that the final publication of Form

N-400 will be a user-friendly document that gathers necessary information to make an informed decision on an applicant's eligibility for naturalization. USCIS thanks you for your comment.

170. One (1) commenter complained that the hyperlink to the form located at regulations.gov was inaccessible, and expressed frustration at not being able to view the document and provide a comment.

Response: USCIS responded to this commenter and provided a link to the form.

171. One (1) commenter requested a link to the table of fees for USCIS forms.

Response: USCIS provided this information to the requestor.