N-445 Responses to 60 day FRN Public Comments

Form – Action

Comment #	Public Comments	USCIS Response
Comment 1.	**Commenter: Jean Publieee**	
	our oath needs to be changed to require more from those who seek to come to the usa. they need to swear to more things. for example, they need to swear that they will educate themselves on the laws of the united states and that they will not act in the future until they check the law on their actions to see if their actions are lawful. they should sign an oath that they will not have a gun until they are here for ten years. they should sign an oath that they will not apply for any federal or state orprivate programs where they get freebies and that they will pay their own way in life and not depend on govt handouts or private handouts. they should sign an oath that they have full allegiance to this country and its laws, and not to any other country on earth at any tme and that under pain of prison they will be in prison if violating that oath. they also should take an oath that they will not come here to\abuse to abuse animals and will not hurt animals like horses, dogs, goats, chickens or any other animal in this country with strange abusive practices like slitting their throats while alive. the American people are getting sick and tired of slime practices that many cultures practice and we do not want them broght into the usa. some Mexican practices for example wher ethey let wild horses fight to the death over a female horse that is offensive. we simply do not want and should not have practices that are pure slme brought into this country. it is definitely time to see that the oath of naturalization has more wording in it to protect American citiznes. we are being dumped on right and left with crap people let into this country who are criminals, druggies, prostituces, financial frauds, etc. we need to see that when they lie they go to prison. far too many of them are not good citizens at all. many are not. lets get more particular of who we let in here. this agency is letting in human scum	**Response:** This comment makes no suggestions for or comments about the subject information collection, so it is out of scope and USCIS has no response. In addition, the USCIS naturalization oath is set by statute so USCIS cannot change it without Congressional action. See INA section 337.
Comment	**Commenter: Judith Southworth**	

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2.		
	I oppose one of USCISs proposed revisions to Form N-445, published at 84 Fed. Reg. 1188 (Docket USCIS-2006-0055, OMB Control Number 1615-0054). A significant change proposed in this Notice would create an unnecessary and counterproductive barrier to naturalization, The proposed change I oppose is the requirement of interpreter documentation (page 2 of the proposed form) for respondents who are helped by someone who speaks their native language when filling out the form. This requirement strongly implies that a low-English proficiency respondent must have a certified professional interpreter to fill out the form. Such interpreters charge fees which would add an additional cost to naturalization to the respondent and/or to their immigration legal service provider, present an additional barrier to qualified future applicants who want to naturalize, and further strain affordable free and low-cost qualified immigration legal help.	**Response:** USCIS does not require that interpreters be certified or that professional interpreters who charge a fee be hired to fill out the form. The interpreter must be sufficiently fluent in both English and the applicant's language, able to interpret competently between English and the applicant's language, and able to interpret impartially and without bias. Certain naturalization applicants may use an interpreter to complete Form N-445 because they are not fluent in the English language. USCIS does not require any applicant who does not use an interpreter to provide interpreter information or certification. However, the following applicants are not required to demonstrate an understanding of the English language in order to be eligible for naturalization, and therefore, it may be necessary for such applicants to use an interpreter to complete Form N-445: - Applicants who are unable to demonstrate an understanding of the English language due to a physical or developmental disability or mental impairment; - Applicants who are over 50 years of age and have been living in the United States for at least 20 years subsequent

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		to a lawful admission for permanent residence; and - Applicants who are over 55 years of age and have been living in the United States for at least 15 years subsequent to a lawful admission for permanent residence. For more information, please see USCIS Policy Memorandum regarding the role and use of interpreters in Domestic Field Office Interviews: https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2017/2017-17-1-RoleUseInterpreters-PM-602-0125-1.pdf
Comment 3 – Part 1	**Commenter: Naturalization Working Group**	
	Dear Ms. Deshommes: The Naturalization Working Group (NWG) opposes two of USCIS's proposed revisions to Form N-445, published at 84 Fed. Reg. 1188 (Docket USCIS-2006-0055, OMB Control Number 1615-0054). The most significant of the changes proposed in this Notice would create unnecessary and counterproductive barriers to naturalization, and threaten the stability that is among the key benefits of American citizenship. The proposed revisions of the form that we oppose are unnecessary because qualifications for citizenship have not changed; they would also hurt American interests by preventing and dissuading people from naturalizing. Considering the significant increases in the number of pending applications and in application processing times between federal Fiscal Year (FY) 16 and FY19, it is urgently incumbent upon USCIS to meet the needs of American families and businesses by more expeditiously processing applications. The	**Response:** USCIS agrees with the commenter's desire for minimizing burden on naturalization applicants and providing for more efficient adjudication of naturalization by USCIS officers.

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	agency can only accomplish this by streamlining procedures and improving efficiency. The two proposals we oppose would frustrate this imperative by unnecessarily imposing greater burden and cost on both respondents and U.S. Citizenship and Immigration Services (USCIS) officers. The agency should reject changes that would likely confuse aspiring new Americans and obligate government employees to review more voluminous records. Instead, USCIS should dedicate resources to the important work of backlog reduction, and to the Office of Citizenship's beneficial efforts to promote U.S. citizenship. The Naturalization Working Group (NWG) is coordinated by the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, and made up of national and local organizations committed to helping legal permanent residents (LPRs) become United States citizens. The NWG strives to improve federal policies and practices related to naturalization and to educate legislators and other policymakers about the need to address barriers to naturalization. Our coalition n's expertise derives from its multiple member organizations that have significant experience in promoting naturalization and in assisting newcomers with the U.S. citizenship process, including immigrants who are serving in our military. The NWG is the policy complement to the New Americans Campaign (NAC), a diverse nonpartisan national network of respected immigrant-serving organizations, legal services providers, faith-based organizations, immigrant rights groups, foundations and community leaders. The Campaign transforms the way aspiring citizens navigate the path to becoming new Americans.	
Comment 3 – Part 2	**Commenter: Naturalization Working Group**	
	An Overbroad Request for USCIS-Issued Documentation Would Produce Nothing of Use to USCIS, But Would Impede Naturalization and Burden the Agency The NWG strongly opposes USCIS's proposal to shift from requesting that	**Response :** Regarding other documents issued by USCIS, we have always had the practice and policy of requiring that the permanent resident cards

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	approved applicants bring to their oath ceremonies all immigration documents "in [the applicant's] possession" in a previous version of the N-445, to eliminating that qualification and requesting "other documents USCIS issued to you" in the current version, and further broadening the request to all such documents, whether "valid or expired." The proposed language, which seems to condition being sworn in as an American citizen upon presenting to USCIS every status-conferring document it has ever issued to the aspiring American, serves no legal purpose, but will make significant additional work for USCIS and for applicants. If - without statutory predicate - the agency does intend to refuse to swear in new citizens who cannot produce all of their immigration documents, it would have an impermissible and detrimental impact on the ability of LPR's to naturalize, which would do systematic damage to the nation's best interests. Most importantly, presenting or returning previously-issued documents to the Department of Homeland Security is not a prerequisite to naturalization, and the agency cannot make it so without Congress's direction. There is good reason for this: there is no requirement in law that noncitizens preserve expired documentation, and an individual's capacity to safeguard and return to the government every document she or he has ever received bears no conceivable relevance to fitness for U.S. citizenship. Nor are national security or related concerns implicated, to our knowledge, as the fact that an immigration document is expired or outdated is clear on its face. In sum, it has never been necessary that USCIS collect all old documentation issued, as employers, local governments, and other institutions that rely upon that documentation are already on notice that they cannot accept expired materials. Lack of any statutory basis for demanding return of all immigration documents is enough to settle the question of whether USCIS should make this request. In addition to its lack of legal justification, USCIS's proposal also threatens to impose greater burden on its officers. If USCIS intends to require	and travel documents be returned at the oath ceremony so this is not a new requirement. We are just adding it to the Form N-445 now. The form requests secure documents such as the Permanent Resident Card and the Refugee or Travel documents, but the applicant will not be penalized if they don't collect and bring all other documents issued by USCIS. Once the applicant is naturalized he or she no longer needs the previous USCIS issued documents. Thus USCIS requires that the previous documents be returned so they are not stolen, lost or used for unauthorized purposes. USCIS has edited the form language to clarify that applicants are not required to return items that are no longer in their possession.

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	people approved for naturalization to produce all of the documentation they have ever received, it will need to expend significant extra time and effort retrieving its own records about that documentation, and comparing what people bring to their oath ceremonies to what the agency expects each individual to produce. Applied in the most exacting way possible, such a process could add hours to just the preliminary step of checking in for a ceremony. Even if officers merely accept whatever people bring, the only difference that a request for all documents "valid or expired" is likely to produce is the added burden of reviewing duplicate copies of documents that applicants will feel compelled to obtain in advance of their oath ceremonies from USCIS itself or other government sources. Applicants will share in the added burden - for no benefit - that this proposed change will impose. Many applicants and their legal advisors will interpret the proposed form as a mandate to produce all documentation issued by USCIS and its predecessors, including items that may be decades old, and long since destroyed or returned to the government. At the least, this will produce apprehension and confusion, and may dissuade some applicants with moving ahead with naturalization; at worst, many intending citizens may delay or decline to attend an oath ceremony while they seek copies of documents, or because they are unable to present all of the historical materials the proposed revised form seems to require. To prevent or dissuade a qualified LPR from becoming a citizen on an unnecessary administrative technicality would be irresponsible and inefficient. USCIS must not adopt the proposed change to the section of the N-445 entitled, "Please bring the following with you:" because it would not garner any useful information, but would do active harm to our nation's best interests.	
Comment 3 – Part 3	**Commenter: Naturalization Working Group**	
	A Proposed Change to the Question About Uncharged Crimes Serves No Purpose Except to Threaten Settled Naturalizations	**Response :** USCIS has removed the word “knowingly” because an applicant’s legal state of mind at

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	The NWG strongly opposes USCIS's proposal to remove the "knowingly" qualification from the form's question about commission of an uncharged crime since an applicant's interview. The proposal is not prompted by any change in controlling law, nor can logic explain it. The proposed revised question would not produce any information that the existing question does not already elicit, because applicants can only confess commission of an uncharged offense if they happen to know that their actions constituted a crime. Therefore, the proposed change serves no legitimate purpose. The only scenario that our organizations can imagine in which actors might argue that the proposed and previous language might produce different results would be in the case of a naturalized citizen who USCIS swears in, and subsequently determines to have committed a crime between interview and oath ceremony that had not been the subject of an arrest or indictment by the time of the ceremony. If this hypothetical citizen completed the present N-445 and credibly testified that he did not know his actions were criminal at that time, he could be exonerated of misrepresentation, and would be much less vulnerable to denaturalization charges. Using the proposed revised N-445, however, the government could argue that the burden was on this citizen to be completely knowledgeable about the law and to accurately report any uncharged pre-ceremony criminal activity. A citizen found guilty of misrepresentation to USCIS prior to swearing in would be acutely vulnerable to denaturalization, the dangers of which would also affect that citizen's family members. This potential entrapment of new Americans is not just, threatens the stability naturalized citizens have earned, and is not prompted by any actual weaknesses in our existing system for vetting naturalization applicants. By the time they are preparing for an oath ceremony, approved applicants for citizenship have undergone years of repeated, searching scrutiny, including at minimum two rounds of extensive questionnaires, interviews, and investigations into their background, associations, and character. People who	the time of committing an offense is a technical question that USCIS officers are better equipped than applicants to evaluate. Furthermore, the related question on Form N-400 (Part 12, #22), does not contain the word “knowingly.” It says: “Have you EVER committed, assisted in committing, or attempted to commit, a crime or offense for which you were NOT arrested?” When the applicant completes Form N-445, it is for the purpose of updating his or her answer to that question (among others). Thus, it preferable to choose language closer to the original question.

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	have lied in or omitted relevant information from their submissions and testimony to USCIS are discovered in this process; our organizations have faith in USCIS officers and other government agents' ability and their thoroughness and assiduousness in carrying out the reviews that precede the swearing in of new Americans. USCIS must believe that people it has deemed sufficiently trustworthy to earn American citizenship are also sufficiently trustworthy to disclose whatever information they have in response to whatever fair questions they are asked. People who have invested all the time, money, and faith it takes to become American citizens by choice are certified good people thanks to the good work USCIS does to vet them, and they neither need nor deserve to be set up to suffer dire consequences for something as understandable and forgivable as not disclosing an offense they did not know was an offense.	
Comment 3 – Part 4	**Commenter: Naturalization Working Group**	
	Conclusion Our organizations are dismayed that these two proposals that we oppose have advanced so soon on the heels of other proposals that would impede naturalization by imposing additional work on USCIS employees and applicants for citizenship. Antecedents to the present proposal include the proposal to cease accepting receipt of a means-tested benefit as proof of eligibility for a fee waiver, 83 Fed. Reg. 49120; the proposed revised public charge rule, 83 Fed. Reg. 51114; and proposed lengthening of the N-400, 83 Fed. Reg. 58781. We urge USCIS to redirect its attention to its duty under the Paperwork Reduction Act to minimize the burden and cost and maximize the quality, use, and benefit of information collection; and to its pledge in its mission statement to efficiently and fairly adjudicate requests for immigration benefits. The agency must reject and eliminate onerous requests for information that neither law nor practical need justify, and must	**Response:** As stated previously, USCIS agrees with the commenter's desire for minimizing burden on naturalization applicants and providing for more efficient adjudication of naturalization by USCIS officers. The proposed revisions to Form N-445 are intended to make the form more useful based on deficiencies we have noted in our administration of the naturalization program regarding interviews and the oath ceremonies. While new text and data elements are added, increasing the physical length of the form, USCIS believes the additional instructions added and information

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	streamline its procedures to minimize the time its employees, and applicants for benefits, spend on duplicative and unproductive inquiries. To meet its obligations and excel in its work, USCIS must decline to implement the changes it has proposed to the N-445's instructions to bring documents to the oath ceremony and to its question about criminal activity for which the applicant has not been arrested. Thank you for your consideration of these comments. Sincerely, Asian Americans Advancing Justice l AAJC Asian Americans Advancing Justice - Los Angeles Asian Law Alliance Bonding Against Adversity Boundless Immigration CASA de Maryland Catholic Charities Legal Services, Archdiocese of Miami, Inc. Catholic Charities of Maine Central Valley Immigrant Integration Collaborative (CVIIC)	collected will benefit both applicants and USCIS and not appreciably increase the burden of completion, or delay adjudication. The comments about the lengthening of Form N-400 and the removal of means tested benefits for obtaining fee waivers are not applicable to the information collection requirements of the Form N-445.
Comment 4 - Part 1	**Commenter: Rich Stolz, OneAmerica**	
	Dear Ms. Deshommes: OneAmerica hereby submits comments to USCIS's proposed revisions to Form N-445, published at 84 Fed. Reg. 1188 (Docket USCIS-2006-0055, OMB Control Number 1615-0054. OneAmerica is a 501(c)(3) organization and the largest immigrant and refugee advocacy organization in Washington State. OneAmerica plays an active role in state and national coalitions working on immigrant rights, education, economic and environmental justice, voting rights, and immigrant and new citizen integration. Our mission is to promote justice, fairness and due process for all, particularly for immigrant and refugee communities. Since 2008, one of our programs, Washington New Americans (WNA) together with the Washington Chapter of the American Immigration Lawyers Association (AILA-WA), has been providing free citizenship screening and application preparation workshops throughout the State of Washington. Therefore, we are familiar with the N-445. We strongly oppose this rule because it is confusing, lacks justification, and because it increases the time and cost burdens on naturalization applicants. Applicants are already stuck in long processing backlogs and significant delays	**Response:** USCIS fully intends to provide accommodations for individuals with disabilities to attend naturalization ceremonies, and that commitment is not changed by this proposed form revision. By asking applicants to request accommodation for the oath ceremony, USCIS wants to make sure that we accommodate every person even if they have not previously requested accommodation for a different event. USCIS also recognizes that individuals may require a different accommodation or additional accommodations for the oath ceremony than they requested for the interview.

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	between date of successful interviews and date of oath, if not done the same day. Many of the proposals below and their added burden on both applicants and USCIS could be avoided if USCIS maintains and/or returns to same day oaths to reduce backlogs and wait times. **I. Disability accommodation** Someone who has already requested a disability accommodation on the N-400, and who already satisfactory passed the naturalization interview and exam with that accommodation, should not have to make this request again for the oath ceremony. As USCIS already has the request on file, USCIS should check the file and automatically arrange for accommodation at the oath ceremony. Alternatively, the question should be modified to pertain to only those applicants who, since completing the interview without an accommodation, needs one for the oath (i.e., was not able to take the oath the same day as the examination).	
Comment 4 - Part 2	**Commenter: Rich Stolz, OneAmerica**	
	II. Documentary requirements A. Requiring submission of all "expired and valid" immigration status documents in order to take the oath is not necessary and is not a requirement of naturalization. It is also extremely burdensome on applicants. There is no statutory requirement to deny naturalization for failure to turn in a valid or expired document. See additional comments and reasons in the letter we have signed on to submitted by Naturalization Working Group. B. The documentary requirements are unclear. The revised instructions state: "Additionally, if you answer 'YES' to any of the questions, bring documents to support your answers." For example, what type of documents about travel should an applicant bring, if any? This should be clarified. C. Ceremony v. questionnaire signing location - The instructions state:	**Response:** A. Regarding other documents issued by USCIS, we have always had the practice and policy of requiring that the permanent resident cards and travel documents be returned at the oath ceremony so this is not a new requirement. We are just adding it to the Form N-445 now. The form requests secure documents such as the Permanent Resident Card and the Refugee or Travel documents, but the applicant will not be penalized if they don't collect and bring all other

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	"Answer the following questions on the day of your Naturalization Oath Ceremony." Then it says: "After you have answered each question, print the date of the ceremony and the location (city and state) where you completed the questionnaire before you attend the ceremony." Indicating the city and state where the questionnaire was completed versus the place of where the naturalization oath ceremony will take place is confusing. The instructions should require only the city/state where one will take the oath, since the form is to be completed and signed on the day of the oath ceremony. D. The interpreter certification requirement is unnecessary and appears to be a fishing expedition to look for applicants who successfully passed the English exam but whose English may not be fully fluent. Such a situation occurred recently at our local office where an officer checking in people for the oath and collecting the form N-445 attempted to reopen a case based on "derogatory information" about the applicant's English ability - a person who had just completed the interview the same day and passed the English test before a different officer. Furthermore, the USCIS policy manual states at [https://www.uscis.gov/policymanual/HTML/PolicyManual-Volume12- PartJ-Chapter2.html](https://www.uscis.gov/policymanual/HTML/PolicyManual-Volume12-PartJ-Chapter2.html) that "[t]he Oath of Allegiance is administered in the English language, regardless of whether the applicant was eligible for a language waiver. However, an applicant may have a translator to translate the oath during the ceremony." If an interpreter certification is required, the form should clarify whether the interpreter standards in the Adjudicator's Field Memorandum apply as they do for interviews, or whether the naturalization applicant can bring a family member or friend who can certify their fluency to interpret/translate the applicant's answers on the N445 and the oath. In other words, please clarify the acceptable standards for an interpreter for the form and oath if different than for the interview. Otherwise, it is a substantial time and cost burden and a barrier to naturalization to require the applicant to obtain a professional	documents issued by USCIS. Once the applicant is naturalized he or she no longer needs the previous USCIS issued documents. Thus USCIS requires that the previous documents be returned so they are not stolen, lost or used for unauthorized purposes. USCIS has edited the form language to clarify that applicants are not required to return items that are no longer in their possession. B. USCIS has clarified the form language as suggested. C. USCIS has clarified the form language related to the location and date of completion. D. USCIS does not require that interpreters be certified or that professional interpreters who charge a fee be hired to fill out the form. The interpreter must be sufficiently fluent in both English and the applicant's language, able to interpret competently between English and the applicant's language, and able to interpret impartially and without bias. Certain naturalization applicants may use an interpreter to complete Form N-445 because

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	interpreter just for this form and the oath ceremony, especially if the oath is not taken the same day as the examination. E. USCIS should restore "knowingly" to this question: "Since your interview, have you [knowingly] committed any crime or offense, for which you have not been arrested?" It is impossible to admit to committing a crime that one did not know was a crime. See additional comments and reasons in the letter we have signed on to submitted by Naturalization Working Group. F. The requirement for an arrest report is outside the scope of a record of conviction required to determine if an applicant lacks good moral character. USCIS has other options such as continuing a case if a person marks the box “yes” for having been arrested since date of interview, in order to await a resolution of the case, or if arrested or cited for a traffic ticket, one normally does not need to submit such documents.	they are not fluent in the English language. USCIS does not require any applicant who does not use an interpreter to provide interpreter information or certification. However, the following applicants are not required to demonstrate an understanding of the English language in order to be eligible for naturalization, and therefore, it may be necessary for such applicants to use an interpreter to complete Form N-445: - Applicants who are unable to demonstrate an understanding of the English language due to a physical or developmental disability or mental impairment; - Applicants who are over 50 years of age and have been living in the United States for at least 20 years subsequent to a lawful admission for permanent residence; and - Applicants who are over 55 years of age and have been living in the United States for at least 15 years subsequent to a lawful admission for permanent residence. For more information, please see USCIS Policy Memorandum regarding the role and use of interpreters in Domestic Field Office Interviews: https://www.uscis.gov/sites/default

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		/files/USCIS/Laws/Memoranda/2017/2017-17-1-RoleUseInterpreters-PM-602-0125-1.pdf E. USCIS has removed the word “knowingly” because an applicant’s legal state of mind at the time of committing an offense is a technical question that USCIS officers are better equipped than applicants to evaluate. Furthermore, the related question on Form N-400 (Part 12, #22), does not contain the word “knowingly.” It says: “Have you EVER committed, assisted in committing, or attempted to commit, a crime or offense for which you were NOT arrested?” When the applicant completes Form N-445, it is for the purpose of updating his or her answer to that question (among others). Thus, it preferable to choose language closer to the original question. F. Based on the timeline of events surrounding any arrest, an arrest record may be to the applicant’s benefit for application processing as court dispositions may not be available at the time of the oath ceremony.

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Comment 4 - Part 3	**Commenter: Rich Stolz, OneAmerica**	
	III. 10-Minute Paperwork Burden The current and proposed forms estimate N-445 completion time to take 10 minutes. Ten minutes is probably accurate if the answers to the questions are “no.” But, if one is also required to submit all immigration status documents ever received in the long immigration journey to citizenship, that could be well over 10 minutes. Those documents can take several hours, days or weeks to find (if they can be found), particularly since people move frequently and most people have a multi-year immigration history. Furthermore, obtaining birth, marriage and divorce documents, criminal court and military records could take days, weeks or months. The 10-minute figure does not reflect the real time it takes to obtain supporting documents or to collect old immigration documents. The paperwork burden should accurately reflect the true time involved. For the above reasons, OneAmerica opposes the proposed changes to the N-445 as they are not in line with our vision of fostering naturalization and new citizen integration in our immigrant communities. Sincerely,	**Response:** Regarding other documents issued by USCIS, we have always had the practice and policy of requiring that the permanent resident cards and travel documents be returned at the oath ceremony so this is not a new requirement. We are just adding it to the Form N-445 now. The form requests secure documents such as the Permanent Resident Card and the Refugee or Travel documents, but the applicant will not be penalized if they don’t collect and bring all other documents issued by USCIS. Once the applicant is naturalized he or she no longer needs the previous USCIS issued documents. Thus USCIS requires that the previous documents be returned so they are not stolen, lost or used for unauthorized purposes. USCIS has edited the form language to clarify that applicants are not required to return items that are no longer in their possession. Regarding bringing documents: USCIS is requesting documents related to events that occurred after the interview, which should not be a burden to collect for most applicants.
Comment	**Commenter: Doug Rand, Boundless Immigration Inc.**	

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5 – Part 1		
	I. Summary of Proposed Changes These comments are submitted for the record to the United States Department of Homeland Security (DHS) on behalf of Boundless Immigration Inc. They are offered in response to the department's information collection notice, related to the Notice of Naturalization Oath Ceremony issued by U.S. Citizenship and Immigration Services (referred to in this comment as "USCIS" or "the agency"), which was published in the February 1, 2019 edition of the Federal Register. This information collection notice proposes several changes to the status quo Notice of Naturalization Oath Ceremony (Form N-445), collectively referred to in this comment as "the proposed changes." Note that the status quo Form N-445 has apparently been approved by the Office of Management and Budget (OMB) without changes since 2009.	**Response :** No response required - see part 2 below
Comment 5 – Part 2	**Commenter: Doug Rand, Boundless Immigration Inc.**	
	1. Complicated Return of Notice The status quo Form N-445 simply states: If you cannot come to this ceremony, return this notice immediately with a written explanation on why you cannot attend. You will then receive an appointment for a ceremony at a later date. The proposed changes would greatly expand and complicate this directive to naturalization applicants, by stating: If you cannot come to this ceremony, return this notice immediately with a written explanation on why you cannot attend to the office with jurisdiction over your naturalization case. To find the correct office with jurisdiction over your naturalization case, visit the following website for more information: https://www.uscis.gov/about-us/find-uscis-office. You will then receive an appointment for a ceremony at a later date. If you are in the military, you may contact the USCIS Military Help Line for assistance, at 877-247-4645. Surely at this stage of the naturalization process, it is incumbent on USCIS to clearly inform the applicant as to which of the agency's many offices is the "correct office with jurisdiction over your naturalization case," as this is	**Response:** USCIS added the information to the Form N-445 based on our experience administering oath ceremonies and public input about the need for clear information regarding rescheduling attendance at ceremonies.

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	information that USCIS must know before issuing the Notice of Naturalization Oath Ceremony in the first place. Changing the status quo form language would serve only to increase the complexity of the form, the burden on the applicant, and the likelihood of errors, for no apparent reason	
Comment 5 – Part 3	**Commenter: Doug Rand, Boundless Immigration Inc.**	
	2. Overbroad Eligibility Question Form N-445 presents eight questions to which the applicant must answer “yes” or “no.” In the words of the form itself, “The primary purpose for providing the requested information on this form is to determine if you have maintained good moral character and continued eligibility for naturalization from the date of your last interview until the naturalization ceremony. DHS uses the information you provide to assess your continuing eligibility for the immigration benefit you are seeking.” Question #3 in the status quo Form N-445 asks: Since your interview, have you knowingly committed any crime or offense, for which you have not been arrested? The proposed changes would remove the word “knowingly,” instead asking: Since your interview, have you committed any crime or offense, for which you have not been arrested? If an applicant has committed “any crime or offense” since their naturalization interview, but without actual knowledge that such action constituted a crime or offense, then no applicant can reasonably be expected to answer “Yes” to this question. Thus the question would, by definition, serve no legitimate purpose. At best, this question would confuse applicants and increase their burden in terms of both time and legal fees. At worst, this question would illegitimately entrap applicants who honestly answer “No” and only later gain knowledge that they committed a crime or offense during the relevant time period. This worst-case scenario is made even more acute by the agency’s proposal to add “under penalty of perjury” to the statement that the applicant must sign in certifying that “each answer is true and correct as of the date of my Naturalization Oath Ceremony.” The status quo Question #3, by contrast, properly limits the agency’s inquiry to information than an	**Response:** USCIS has removed the word “knowingly” because an applicant’s legal state of mind at the time of committing an offense is a technical question that USCIS officers are better equipped than applicants to evaluate. Furthermore, the related question on Form N-400 (Part 12, #22), does not contain the word “knowingly.” It says: “Have you EVER committed, assisted in committing, or attempted to commit, a crime or offense for which you were NOT arrested?” When the applicant completes Form N-445, it is for the purpose of updating his or her answer to that question (among others). Thus, it preferable to choose language closer to the original question.

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	applicant can reasonably know. (Boundless is also a signatory to the public comment submitted by the Naturalization Working Group on April 2, 2019, which articulates the defects of this proposed change in greater detail.)	
Comment 5 – Part 4	**Commenter: Doug Rand, Boundless Immigration Inc.**	
	3. Expansion of Required Documentation The status quo N-445 asks applicants to bring several documents to the naturalization oath ceremony, including: • This notice with the reverse side completed. Please refer to instructions on the reverse side. • Your Permanent Resident Card (“green card”). • All Reentry Permits or Refugee Travel Documents you may have, valid or expired. • Any other documents USCIS issued to you. The proposed changes would add the following language (material changes in red): • This notice with the reverse side completed. Please refer to instructions below. • All Permanent Resident Cards (“green card”), valid or expired. • All Reentry Permits or Refugee Travel Documents you may have, valid or expired. • Any other documents USCIS issued to you, such as employment authorization cards, valid or expired. The stated purpose of this form is to determine if the applicant has maintained good moral character and continued eligibility for naturalization from the date of the successful naturalization interview until the naturalization ceremony. Therefore, there is no legitimate reason for USCIS to burden the applicant with the task of providing any immigration documents that do not bear directly on this question of continued eligibility. A Permanent Resident Card, employment authorization card, or other USCIS document that expired prior to the interview date have no bearing on the applicant’s eligibility for naturalization after that date. Indeed, it is difficult to understand the relevance of reentry permits and refugee travel documents that expired prior to the interview date, even though these documents are demanded on the status quo form. In short, if USCIS is to minimize burdens on applicants, consistent with the Paperwork Reduction Act, then it should only ask for documents that have not been previously reviewed by the interviewing	**Response:** Regarding other documents issued by USCIS, we have always had the practice and policy of requiring that the permanent resident cards and travel documents be returned at the oath ceremony so this is not a new requirement. We are just adding it to the Form N-445 now. The form requests secure documents such as the Permanent Resident Card and the Refugee or Travel documents, but the applicant will not be penalized if they don’t collect and bring all other documents issued by USCIS. Once the applicant is naturalized he or she no longer needs the previous USCIS issued documents. Thus USCIS requires that the previous documents be returned so they are not stolen, lost or used for unauthorized purposes. USCIS has edited the form language to clarify that applicants are not required to return items that are no longer in their possession.

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	official and do represent a potential change in eligibility for naturalization, i.e. documents that have expired subsequent to the interview date. (It is also sensible for USCIS to ask applicants to bring their valid Permanent Resident Cards, of course, because such cards are typically turned in at the oath ceremony in exchange for a Certificate of Naturalization.) (Boundless is also a signatory to the public comment submitted by the Naturalization Working Group on April 2, 2019, which articulates the defects of this proposed change in greater detail.)	
Comment 5 – Part 5	**Commenter: Doug Rand, Boundless Immigration Inc.**	
	4. Unclear Instructions The status quo N-445 instructs applicants to "[a]nswer the following questions on the day of your Naturalization Oath Ceremony," and further states: After you have answered each question, print the date and the location (city and state) where you completed the questionnaire. The proposed changes to the N-445 are difficult to understand: After you have answered each question, print the date of the ceremony and the location (city and state) where you completed the questionnaire before you attend the ceremony. If it is the goal of USCIS to ensure that applicants sign Form N-445 on the same date as the oath ceremony, then language like the following would be clearer (suggested changes in boldface): After you have answered each question, print the location (city and state) where you completed the questionnaire, as well as the date of completion (which should be the same date you are attending the Naturalization Oath Ceremony)	USCIS: The form instructs to answer the questions on the day of the ceremony and to print the date and location where the form was completed. USCIS added the requirement to add the location because, although the date should be the same, the location could be different if the applicants travels for the ceremony, so the instructions should be more clear that it's acceptable if the location is different from the location of the ceremony. USCIS has also clarified the form language related to the location and date of completion based on this and similar public comments.
Comment 5 – Part 6	**Commenter: Doug Rand, Boundless Immigration Inc.**	
	5. Unnecessary Interpreter Certification	**Response:**

Comment #	Public Comments	USCIS Response
	The proposed changes would add an entirely new page to the Form N-445 (increasing the form's total length by 50%). This page would require certain applicants to provide interpreter information and certification, as stated in the following new language: If you used anyone as an interpreter to read the Instructions and questions on this form to you in a language in which you are fluent, the interpreter must fill out the section titled "Interpreter's Contact Information, Certification, and Signature," provide his or her name, the name and address of his or her business or organization (if any), his or her daytime telephone number, his or her mobile telephone number (if any), and his or her email address (if any). The interpreter must sign and date the form. Such interpreter would then be required to certify the following: I certify, under penalty of perjury, that: I am fluent in English and [second language], which is the same language in which the applicant is fluent, and I have read to this applicant in the identified language every question and instruction on this application and his or her answer to every question. The applicant informed me that he or she understands every instruction, question and answer on the application, and has verified the accuracy of every answer. The vast majority of applicants are required to pass an English proficiency test as part of their naturalization interview. Such applicants, by definition, have already satisfied a USCIS interviewing officer that they possess sufficient English language skills to understand their application for citizenship (Form N-400), which includes the substance of the eight questions that re-appear on the Form N-445. Such applicants have also, by definition, already satisfied the English language requirement for naturalization. For USCIS to require any such verified English-speaking applicants to provide a translator certification is unnecessary at best. At worst, such a requirement would serve to intimidate and alienate new Americans at the very moment our nation is poised to embrace them as full citizens. In addition, many English-proficient applicants would likely feel compelled to hire a professional translator to sign the new certification form, strictly out of an abundance of caution. USCIS has provided no justification for why this onerous, time-consuming, and potentially costly new requirement is suddenly necessary	Certain naturalization applicants may use an interpreter to complete Form N-445 because they are not fluent in the English language. USCIS does not require any applicant who does not use an interpreter to provide interpreter information or certification. However, the following applicants are not required to demonstrate an understanding of the English language in order to be eligible for naturalization, and therefore, it may be necessary for such applicants to use an interpreter to complete Form N-445: - Applicants who are unable to demonstrate an understanding of the English language due to a physical or developmental disability or mental impairment; - Applicants who are over 50 years of age and have been living in the United States for at least 20 years subsequent to a lawful admission for permanent residence; and - Applicants who are over 55 years of age and have been living in the United States for at least 15 years subsequent to a lawful admission for permanent residence.

Comment #	Public Comments	USCIS Response
Comment 5 – Part 7	**Commenter: Doug Rand, Boundless Immigration Inc.**	
	II. The Proposed Changes Are Unlawful 1. The agency lacks authority under the governing statute The Immigration and Nationality Act (INA) authorizes the Secretary of Homeland Security to administer the naturalization of immigrants who are eligible for U.S. citizenship. The statute provides, in relevant part: Rules and regulations governing examination of applicants The Attorney General [today, the Secretary of Homeland Security] shall make such rules and regulations as may be necessary to carry into effect the provisions of this part and is authorized to prescribe the scope and nature of the examination of applicants for naturalization as to their admissibility to citizenship. Such examination shall be limited to inquiry concerning the applicant's residence, physical presence in the United States, good moral character, understanding of and attachment to the fundamental principles of the Constitution of the United States, ability to read, write, and speak English, and other qualifications to become a naturalized citizen as required by law, and shall be uniform throughout the United States (8 U.S. Code § 1443(a)). This proposed information collection activity violates this statute in multiple ways. First, the statute identifies the specific mechanism that the agency must undertake to determine the categories of information relevant—it must promulgate "rules and regulations." As Courts routinely hold, this requires the agency to undertake a notice-and-comment rulemaking process pursuant to 5 U.S.C. § 553, subject to all the protections of the Administrative Procedure Act (APA). As we demonstrate in this public comment, this proposed change to a form in fact expands on the range of information that DHS purports to be relevant to its decision-making process. It therefore has the effect of modifying an existing regulation. But the agency cannot do so by implication. The efforts by DHS here to circumvent the APA's requirements are unlawful. Rather, the agency must restart any proposal using the congressionally-mandated	**Response:** USCIS uses this form to collect information relevant to the requirements for naturalization as authorized by law and regulation. See the supporting statement provided by USCIS for the legal justification for the information collected on Form N-445 as well as the new information added in this revision.

Comment #	Public Comments	USCIS Response
	procedure of notice-and-comment rulemaking, specifying whatever changes it wishes to make to the regulations. Second, as a procedural matter, Congress has chosen to greatly limit the agency's discretion in collecting information from naturalization applicants. The agency is authorized only to "make such rules and regulations as may be necessary to carry into effect the provisions of this part." To the extent that the agency is authorized to "prescribe the scope and nature of the examination of applicants for naturalization as to their admissibility to citizenship," such examination "shall be limited to inquiry concerning the applicant's residence, physical presence in the United States, good moral character, understanding of and attachment to the fundamental principles of the Constitution of the United States, ability to read, write, and speak English, and other qualifications to become a naturalized citizen as required by law." The agency may neither issue regulations nor expand its examination of applications beyond what is explicitly authorized in statute. Although the INA does not provide an expansive definition of the "good moral character" requirement for naturalization, it is clear that the agency is not authorized to collect information from applicants that is irrelevant to a finding of good moral character, among other qualifications as required by law. Third, the INA explicitly limits the discretion of the agency in its design and publication of the form in question: Prescription of forms The Attorney General [today, the Secretary of Homeland Security] shall prescribe and furnish such forms as may be required to give effect to the provisions of this part, and only such forms as may be so provided shall be legal (8 U.S. Code § 1443(c)). Because the proposed changes are not "required to give effect to" the naturalization provision of the INA, they are not legal.	
Comment 5 – Part 8	**Commenter: Doug Rand, Boundless Immigration Inc.**	
	2. The agency lacks authority under its own regulations The agency's failure to use notice-and-comment rulemaking to modify its own regulations is especially troubling because the agency's discretion in	**Response:** In general, an applicant must show that he or she has been and continues to be a person of

Comment #	Public Comments	USCIS Response
	naturalization-related information collections is also limited by its definition of "good moral character" (8 C.F.R. § 316.10(b)): Finding of a lack of good moral character. (1) An applicant shall be found to lack good moral character, if the applicant has been: (i) Convicted of murder at any time; or (ii) Convicted of an aggravated felony as defined in section 101(a)(43) of the Act on or after November 29, 1990. (2) An applicant shall be found to lack good moral character if during the statutory period the applicant: (i) Committed one or more crimes involving moral turpitude, other than a purely political offense, for which the applicant was convicted, except as specified in section 212(a)(2)(ii)(II) of the Act; (ii) Committed two or more offenses for which the applicant was convicted and the aggregate sentence actually imposed was five years or more, provided that, if the offense was committed outside the United States, it was not a purely political offense; (iii) Violated any law of the United States, any State, or any foreign country relating to a controlled substance, provided that the violation was not a single offense for simple possession of 30 grams or less of marijuana; (iv) Admits committing any criminal act covered by paragraphs (b)(2) (i), (ii), or (iii) of this section for which there was never a formal charge, indictment, arrest, or conviction, whether committed in the United States or any other country; (v) Is or was confined to a penal institution for an aggregate of 180 days pursuant to a conviction or convictions (provided that such confinement was not outside the United States due to a conviction outside the United States for a purely political offense); (vi) Has given false testimony to obtain any benefit from the Act, if the testimony was made under oath or affirmation and with an intent to obtain an immigration benefit; this prohibition applies regardless of whether the information provided in the false testimony was material, in the sense that if given truthfully it would have rendered ineligible for benefits either the applicant or the person on whose behalf the applicant sought the benefit; (vii) Is or was involved in prostitution or commercialized vice as described in section 212(a)(2)(D) of the Act; (viii) Is or was involved in the smuggling of a person or persons into the United States as described in section 212(a)(6)(E) of the Act; (ix) Has practiced or is practicing polygamy; (x)	GMC during the statutory period prior to filing and up to the time of the Oath of Allegiance. While USCIS determines whether an applicant has met the GMC requirement on a case-by-case basis, certain types of criminal conduct automatically preclude applicants from establishing GMC and may make the applicant subject to removal proceedings. An applicant may also be found to lack GMC for other types of criminal conduct (or unlawful acts). These bars are triggered by specific acts, offenses, activities, circumstances, or convictions within the statutory period for naturalization, including the period prior to filing and up to the time of the Oath of Allegiance. Note that not all of the bars to GMC require a conviction. For example, an applicant who is admits to committing one or more crimes involving moral turpitude during the statutory period cannot establish GMC for naturalization. See INA 101(f)(3). See 8 CFR 316.10(b)(2)(i). Additionally, an applicant who has committed an unlawful act or acts during the GMC period may be found to lack GMC. See INA 101(f). See 8 CFR 316.10(b)(3)(iii). This provision does not require the applicant to have been charged or convicted of the offense.

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	Committed two or more gambling offenses for which the applicant was convicted; (xi) Earns his or her income principally from illegal gambling activities; or (xii) Is or was a habitual drunkard. (3) Unless the applicant establishes extenuating circumstances, the applicant shall be found to lack good moral character if, during the statutory period, the applicant: (i) Willfully failed or refused to support dependents; (ii) Had an extramarital affair which tended to destroy an existing marriage; or (iii) Committed unlawful acts that adversely reflect upon the applicant's moral character, or was convicted or imprisoned for such acts, although the acts do not fall within the purview of §316.10(b) (1) or (2). Clearly, the agency does not have unlimited discretion to make a finding of a lack of good moral character. In fact, such a finding is limited to the scenarios enumerated above, most of which involve the actual conviction for or commission of a crime. The only potentially non-criminal activities that provide grounds for a finding of a lack of good moral character are: false testimony, under oath, to obtain a benefit under the INA; prostitution or "commercialized vice"; polygamy; being a "habitual drunkard"; failure to support dependents; and having an extramarital affair "which tended to destroy an existing marriage." Such activities are covered under Question #8 of the status quo Form N-445, which USCIS does not propose changing. As described above, however, the agency's proposed changes to Question #3 are not necessary to support a finding of a lack of good moral character, and since such changes are not otherwise required by the INA or agency regulations, they are unlawful. They attempt to amend the regulation, without undertaking the requisite process for doing so.	
Comment 5 – Part 9	**Commenter: Doug Rand, Boundless Immigration Inc.**	
	III. Defects Under the Paperwork Reduction Act The Paperwork Reduction Act (PRA) is intended, among other things, to "ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated	**Response:** DHS and USCIS have reviewed the revised Form N-445 for compliance with the requirements and spirit of the Paperwork

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	by or for the Federal Government" and to "improve the quality and use of Federal information to strengthen decision-making, accountability, and openness in Government and society." The proposed changes, however, violate both the spirit and the letter of the PRA. 1. Responses to questions posed in the information collection notice The information collection notice states that "[w]written comments and suggestions from the public and affected agencies should address one or more of the following four points": **(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.** None of the proposed changes to the collection of information are necessary for the proper performance of the functions of the agency, as the status quo Form N-445 already allows the agency to obtain more than enough information to comply with its regulatory and statutory obligation Likewise, the proposed collection of information will have limited-to-no practical utility for the agency in the performance of its statutorily authorized duties. If the agency believes otherwise, it has provided no basis for this belief in the information collection request that was made available as the sole basis for public comment.	Reduction Act. We have determined that the proposed new information collections have practical utility that will aid USCIS in carrying out the functions for which the form is required.
Comment 5 – Part 10	**Commenter: Doug Rand, Boundless Immigration Inc.**	
	(a) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the	USCIS does not require that interpreters be

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methodology and assumptions used.

The agency’s estimates of the burden of completing Form N-445 have changed over time, based on documents currently available in Docket ID USCIS-2006-0055 at Regulations.gov:

<table>
<tr><th>Notice date</th><th>Annual respondents</th><th>Hrs / response</th><th>Annual hours</th><th>Annual cost</th></tr>
<tr><td>Feb. 1, 2019</td><td>555,736</td><td>0.25</td><td>138,934</td><td>$0</td></tr>
<tr><td>Apr. 20, 2016</td><td>732,000</td><td>0.166</td><td>121,512</td><td>$0</td></tr>
<tr><td>Feb. 9, 2016</td><td>900,000</td><td>0.166</td><td>149,400</td><td>$0</td></tr>
<tr><td>Feb. 20, 2013</td><td>900,000</td><td>0.166</td><td>149,400</td><td>Not stated</td></tr>
<tr><td>Nov. 8, 2012</td><td>900,000</td><td>0.166</td><td>149,400</td><td>Not stated</td></tr>
<tr><td>Dec. 29, 2009</td><td>650,000</td><td>0.166</td><td>107,900</td><td>$1,079,000</td></tr>
</table>

The agency has made no effort to provide transparency about its methodology, but its fatal flaws are clear nevertheless. Annual number of respondents: USCIS cannot realistically expect only 555,736 individuals to file Form N-445 each year. The number of naturalization applications filed has been well above 700,000 in each fiscal year since 2010, and approached 1 million in both FY16 and FY17.1 As of this writing, the agency’s most recently reported backlog of pending naturalization applications was over 738,000.2 If the agency is serious about reducing this backlog and associated wait times, it should expect at least 900,000 annual respondents as it has in years past

Hours per response: USCIS apparently expects the proposed changes to add 5 minutes of time burden to a status quo burden estimate of 10 minutes (0.25 hours total). In fact, the likely burden of the proposed changes would be higher, for at least the following reasons: ● Eligibility question: If USCIS removes the word “knowingly” from Question #3, then Form N-445 will no longer consist of a straightforward series of eight yes-or-no questions that require no special effort on the part of the applicant. In fact, many applicants

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certified or that professional interpreters who charge a fee be hired to fill out the form. The interpreter must be sufficiently fluent in both English and the applicant’s language, able to interpret competently between English and the applicant’s language, and able to interpret impartially and without bias. Certain naturalization applicants may use an interpreter to complete Form N-445 because they are not fluent in the English language. USCIS does not require any applicant who does not use an interpreter to provide interpreter information or certification. However, the following applicants are not required to demonstrate an understanding of the English language in order to be eligible for naturalization, and therefore, it may be necessary for such applicants to use an interpreter to complete Form N-445:

- Applicants who are unable to demonstrate an understanding of the English language due to a physical or developmental disability or mental impairment;
- Applicants who are over 50 years of age and have been living in the United States for at least 20 years subsequent to a lawful admission for permanent residence; and
- Applicants who are over 55 years of age and have been living in the United

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	would be confused and concerned over the need to declare “any crime or offense, for which you have not been arrested,” knowingly or unknowingly. Thinking through this question could easily add another 20 minutes of average time burden (0.33 hours). ● Expanded documentation requirement: Compelling all applicants to retrieve any documents previously issued by USCIS, whether “valid or expired,” is a highly burdensome demand that could easily add another 60 minutes on average (1 hour). ● Interpreter requirement: Compelling many applicants—perhaps as many as half of them—to locate, work with, and obtain certification from an interpreter could easily add another 60 minutes on average (1 hour x 50% of applicants = 0.5 hours). In sum, using realistic assumptions, the average time burden per response could be 2.083 hours. **Cost per response:** USCIS claims that the “estimated total annual cost burden associated with this collection of information is $0,” implying that the average cost burden per response is $0 per hour. It is entirely unclear why the agency stopped valuing applicants’ time ever since 2009 (when such time was valued at $10/hour). More recently, the agency put forward $39.46 per hour as the dollar value of time spent completing Form N-400. As explained in a previous public comment, 3 a more up-to-date calculation would begin with the most recent Bureau of Labor Statistics (BLS) data on total private-sector average hourly wage ($27.66), 4 multiplied by the benefits-to-wage multiplier of 1.47 previously used by USCIS (also based on BLS data). This yields a weighted mean hourly wage of $40.66. In addition, it is reasonable to assume that the increased complexity of the proposed changes would compel a significant number of applicants—perhaps as many as half of them—to consult an immigration attorney when they would have seen no need to do so under the status quo Form N-445. Based on the most recent survey data from the American Immigration Lawyers Association (AILA), the average billing rate for U.S. immigration attorneys is $273 per hour.5 The proposed changes could	States for at least 15 years subsequent to a lawful admission for permanent residence. For more information, please see USCIS Policy Memorandum regarding the role and use of interpreters in Domestic Field Office Interviews: https://www.uscis.gov/sites/default /files/USCIS/Laws/Memoranda/2017/2017-17-1-RoleUseInterpreters-PM-602-0125-1.pdf USCIS carefully reviewed the estimated time burden for this information collection taking into account the proposed changes for this revision. At this time, USCIS has determined that the proposed time burden is adequate. Therefore, we will not modify the proposed new estimated time burden per response of 15 minutes. There are no costs to the respondent for this collection of information. The form is completed after the interview, but before the naturalization oath ceremony. Respondents will not incur costs related to document copies, postage, or costs incurred for this collection of information.

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	easily require 1 hour of such an attorney's time. At the same time, the proposed interpreter certification requirement would compel a significant number of applicants—perhaps as many as quarter of them—to hire a professional translator rather than relying on a friend or family member. This could cost at least $25, based on an informal survey of immigration-oriented translation services.6 **Total annual cost burden:** Using the above realistic assumptions, the proposed changes would yield a total annual paperwork burden of over $200 million:	

	Status quo	Proposed changes
Annual number of respondents	900,000	900,000
Hours per response	0.167	2.083
Total annual hours	150,000	1,875,000
Respondent cost per hour	$40.66	$40.66
Total cost of respondent time	$6,099,030	$76,237,875
% of respondents with lawyer	0%	50%
Lawyer cost per respondent		$273
Total cost of lawyer time		$122,850,000
% of respondents with interpreter	0%	25%
Interpreter cost per respondent		$25
Total cost of interpreter time		$5,625,000
Total annual cost	**$6,099,030**	**$204,712,875**

This burden is considerably higher than the $100 million threshold for an "economically significant" agency action in the regulatory context, where the Office of Management and Budget (OMB) is obligated under Executive Order 12866 to direct the agency "to provide (among other things) a more detailed assessment of the likely benefits and costs of the regulatory action, including

Comment #	Public Comments	USCIS Response
	a quantification of those effects, as well as a similar analysis of potentially effective and reasonably feasible alternatives.” The agency should not be able to shirk this obligation by presenting the proposed changes as an information collection notice instead of as a proposed regulation	
Comment 5 – Part 11	**Commenter: Doug Rand, Boundless Immigration Inc.**	
	(c) Enhance the quality, utility, and clarity of the information to be collected. As described above, the proposed information collection does nothing to enhance the quality, utility, or clarity of the information to be collected. On the contrary, each of the proposed changes would substantially impair the clarity of the information to be collected, as they are phrased in a way that is far more ambiguous than the status quo. In addition to abandoning the proposed changes, USCIS should go a step further and bring greater clarity to the documentary requirements than applicants currently see in the status quo Form N-445: If you answer "YES" to any of the questions, bring documents to support your answers. For example, if you married or divorced after your interview, bring your marriage certificate or divorce decree. If you were arrested after your interview, bring your arrest records and court dispositions. If you were serving in the military and have been discharged, bring your DD214 or other discharge papers. These instructions are needlessly unclear, since they do not address each of the eight questions posed in Form N-445. Without specific guidance, for example, an applicant has no way of knowing whether or not it is necessary to bring flight tickets or other documentation if they have traveled outside the United States after their naturalization interview. If it is the goal of USCIS to enhance the quality, utility, and clarity of the information to be collected, the above paragraph should be deleted and replaced with question-specific documentary requirements (suggested changes in boldface):	**Response:** Thank you for your comment. USCIS has reviewed the Form N-445 and the Instructions for the Form N-445 and have confirmed that explanatory information is listed in the instructions at this time for applicants.

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	1. Since your interview, have you married, or been widowed, separated or divorced? (If "Yes," please bring documented proof of marriage, death, separation or divorce.) 2. Since your interview, have you traveled outside the United States? (If "Yes," please bring [specific documentation required by USCIS].) 3. Since your interview, have you committed any crime or offense, for which you have not been arrested? 4. Since your interview, have you been arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance, including traffic violations? (If "Yes," please bring documentation such as your arrest records and court dispositions.) 5. Since your interview, have you joined, become associated, or connected with any organization in any way, including the Communist Party, a totalitarian organization, or terrorist group? 6. Since your interview, have you deserted from, claimed exemption from, or been separated or discharged from military service? (If "Yes," please bring your DD214 or other discharge papers.) 7. Since your interview, has there been any change in your willingness to bear arms on behalf of the United States; to perform non-combatant service in the armed forces of the United States; or to perform work of national importance under civilian direction if the law requires it? 8. Since your interview, have you practiced polygamy, received income from illegal gambling, been involved in prostitution, helped anyone enter the United States illegally, trafficked controlled substances, given false testimony	

Comment #	Public Comments	USCIS Response
	to obtain immigration benefits, or been a habitual drunkard? Note that USCIS took this approach, at least with respect to Question #1, in the version of Form N-445 in use prior to 2010	
Comment 5 – Part 12	**Commenter: Doug Rand, Boundless Immigration Inc.**	
	(d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Nothing in the proposed changes would reduce, let alone minimize, the burden of the collection of information on those who are to respond. In fact, as explained in detail above, the proposed changes would likely yield an opportunity cost to respondents of over $200 million each year. The proposed changes would be comparably onerous whether the information is collected via traditional or electronic means, because the burden stems from the nature of the information demanded, not the relative difficulty of transmitting this information in paper format	**Response:** At this time, USCIS local offices and ceremony sites may not support any of the automated, electronic, mechanical, or other technological collection techniques that are listed.
Comment 5 – Part 13	**Commenter: Doug Rand, Boundless Immigration Inc.**	
	Additional PRA Concerns The proposed changes implicate a number of additional concerns under the Paperwork Reduction Act, above and beyond the questions asked in the information collection notice. a. Absence of the required description of agency's need and use DHS Management Directive 142-01 establishes the department's policy implementing the provisions of the Paperwork Reduction Act concerning	**Response:** USCIS complied with 5 CFR § 1320.5 (G) (iv) (B) (1) (3) by providing this information in the 60 day Federal Register Notice under the Overview of this information collection section. Additional information can also be found in the Supporting Statement provided to OMB.

Comment #	Public Comments	USCIS Response
	collections of information. This management directive (referred to here as "DHS policy") prohibits an information collection unless the Federal Register notice includes "a brief description of the need for the information and proposed use of the information" (§ 1320.5(a)(1)(iv)(B)(3)). In fact, the agency's notice provides no such description, and does not provide the public with any way to ascertain the agency's need for, or proposed use of, the additional information under the proposed changes	
Comment 5 – Part 14	**Commenter: Doug Rand, Boundless Immigration Inc.**	
	b. Failure to comply with the "least burdensome" standard DHS policy requires that, "[t]o obtain OMB approval of a collection of information, an agency shall demonstrate that it has taken every reasonable step to ensure that the proposed collection of information … is the least burdensome necessary for the proper performance of the agency's functions to comply with legal requirements and achieve program objectives" (§ 1320.5(d)(1)). As described in detail above, the proposed changes would create significant new burdens and are wholly unnecessary for the proper performance of the agency's functions. The agency has not demonstrated otherwise to the public, and it is difficult to conceive of how it has demonstrated otherwise to the DHS Chief Information Officer or to OMB.	**Response:** USCIS agrees that the proposed changes may add burden, thus we have added 5 minutes to the estimated completion burden of this information collection. This information can be found in the 60 day Federal Register Notice under the Overview of this Information Collection section. Additional information can also be found in the Supporting Statement provided to OMB.
Comment 5 – Part 15	**Commenter: Doug Rand, Boundless Immigration Inc.**	
	c. Violation of three-year record retention limit DHS policy states that, "[u]nless the agency is able to demonstrate, in its submission for OMB clearance, that such characteristic of the collection of information is necessary to satisfy statutory requirements or other substantial need, OMB will not approve a collection of information … requiring respondents to retain records, other than health, medical, government contract, grantin-aid, or tax	**Response:** USCIS has clarified these requirements in the form instructions to address this comment. There is no requirement to retain these documents for any specific time period.

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	records, for more than three years" (§ 1320.5(d)(2)). There is certainly no statutory requirement that compels USCIS to collect "any" documents previously issued by the agency to the applicant, "valid or expired," which could sweep in documents that are decades old. It is difficult to conceive of how this information collection burden would serve a "substantial need" that has suddenly arisen for the first time in at least a decade, given that the status quo Form N-445 was published in 2009. The agency has provided no justification whatsoever to the public	
Comment 5 – Part 16	**Commenter: Doug Rand, Boundless Immigration Inc.**	
	d. Inadequate agency review DHS policy provides that the agency designate a "Senior Official" to carry out its responsibilities under the Paperwork Reduction Act, that such official shall "review each collection of information before submission to OMB for review," and that such review shall include, among other things: ● an evaluation of the need for the collection of information, which shall include, in the case of an existing collection of information, an evaluation of the continued need for such collection; ● a functional description of the information to be collected; ● a plan for the collection of information; and ● a specific, objectively supported estimate of burden, which shall include, in the case of an existing collection of information, an evaluation of the burden that has been imposed by such collection (§ 1320.8(a)). Based on the flawed assumptions and scant justifications provided in the information collection notice, there is no evidence that the agency's Senior Official adequately conducted these elements of the required review.	**Response:** DHS and USCIS have reviewed the revised Form N-445 for compliance with the requirements and spirit of the Paperwork Reduction Act. We have determined that the proposed new information collections have practical utility that will aid USCIS in carrying out the functions for which the form is required. The Supporting Statement submitted to OMB with this information collection explains the authority for this information collection and why it is necessary for the proper performance of the functions of the agency.
Comment 5 – Part 17	**Commenter: Doug Rand, Boundless Immigration Inc.**	
	e. Inadequate disclosure of agency plans DHS policy requires that the Senior Official "shall ensure that each collection of information … informs and	**Response:**

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	provides reasonable notice of the potential persons to whom the collection of information is addressed of," among other things: ● the reason the information is planned to be and/or has been collected; and ● the way such information is planned to be and/or has been used to further the proper performance of the functions of the agency (§ 1320.8(b)). The information collection notice includes no such disclosures, and there is no evidence that the agency's Senior Official plans to make such disclosures in the future.	DHS provided public disclosure of the proposed revisions to this information collection by publishing a notice in the Federal Register as required by 5 CFR § 1320.8(d)(1) and posting the proposed form changes in the form's docket at www.regulations.gov for the public to review.
Comment 5 – Part 18	**Commenter: Doug Rand, Boundless Immigration Inc.**	
	f. Apparent failure to provide OMB with required certifications Section 1320.9 of the DHS Management Directive ("Agency certifications for proposed collections of information") states in its entirety: As part of the agency submission to OMB of a proposed collection of information, the agency (through the head of the agency, the Senior Official, or their designee) shall certify (and provide a record supporting such certification) that the proposed collection of information- (a) is necessary for the proper performance of the functions of the agency, including that the information to be collected will have practical utility; (b) is not unnecessarily duplicative of information otherwise reasonable accessible to the agency; (c) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined in the Regulatory Flexibility Act (5 U.S.C. 601(6)), the use of such techniques as: (1) establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond; (2) the clarification, consolidation, or simplification of compliance and reporting requirements; or (3) an exemption from coverage of the collection of information, or any part thereof; (d) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond; (e) is to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to	**Response:** DHS has provided the certifications required under the Paperwork Reduction Act in the Supporting Statement submitted to OMB with this information collection request.

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	respond; (f) indicates for each recordkeeping requirement the length of time persons are required to maintain the records specified; (g) informs potential respondents of the information called for under § 1320.8(b)(3); (h) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public; (i) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and (j) to the maximum extent practicable, uses appropriate information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public. The information collection notice does not inspire public confidence that the agency has fulfilled its own certification requirements. In particular: ● As described in detail above, there is no evidence that the proposed changes are "necessary for the proper performance of the functions of the agency, including that the information to be collected will have practical utility." ● The proposed changes would require applicants to submit a great deal of information that is "unnecessarily duplicative of information otherwise reasonable accessible to the agency," including the correct USCIS office with jurisdiction over their naturalization case, as well as documents previously issued by USCIS itself. ● The proposed changes certainly do not "reduce[] to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities." In fact, the agency makes no mention of the great many nonprofit organizations and small law firms that help immigrants complete their naturalization forms, almost all of which are small entities under the Regulatory Flexibility Act that would be unduly burdened by the proposed changes, including the new translation certification requirement. ● The proposed changes are certainly not "written using plain, coherent, and unambiguous terminology [that] is understandable to those who are to respond." In fact, the proposed changes would serve to make this information collection substantially more ambiguous for all	

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	respondents. ● The proposed changes would not “be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond.” The existing reporting and recordkeeping requirements for N-445 respondents include keeping those records necessary to fulfill the documentary requirements of the Application for Naturalization (Form N-400). The proposed changes would, retroactively and with harm to reliance interests, require a substantial change to these reporting and recordkeeping requirements, as many respondents would need to locate prior immigration records going back years or even decades.	
Comment 5 – Part 19	**Commenter: Doug Rand, Boundless Immigration Inc.**	
	IV. Conclusion Section 1320.5(f) of the DHS Management Directive states that, “to the extent that OMB determines that all or any portion of a collection of information is unnecessary, for any reason, the agency shall not engage in such collection or portion thereof. OMB will reconsider its disapproval of a collection of information upon the request of the agency head or Senior Official only if the sponsoring agency is able to provide significant new or additional information relevant to the original decision.” In light of the discussion above, the agency has only three options that are fully consistent with this DHS policy, along with relevant OMB policies, Executive Orders, agency regulations, and statutes: 19 (1) Rescind this information collection notice and retain the status quo Form N-445. (2) Rescind this information collection notice and publish a new information collection notice that actually reduces the paperwork burden of the status quo Form N-445. (3) Rescind this information collection notice and publish a proposed rule under the Administrative Procedure Act that provides a full explanation for public comment as to why the proposed changes are consistent with relevant regulations and statutes.	**Response:** DH will submit this information collection request to OMB for approval. If OMB rejects the request, DHS will not collect the information.