

**SUPPORTING STATEMENT FOR
Medical Certification for Disability Exceptions
OMB Control No.: 1615-0060
COLLECTION INSTRUMENT(S): Form N-648**

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Section 312(a) of the Immigration and Nationality Act (the Act) requires applicants for naturalization to demonstrate a knowledge and understanding of the form of government and history of the United States. Section 312(b)(1) of the Act allows an exception in the case of persons who, because of a physical or developmental disability or mental impairment, are unable to comply with the requirements of section 312(a) of the Act. In order to determine whether applicants for the above named exception to the section 312 requirements are qualified to receive that benefit, the U.S. Citizenship and Immigration Services (USCIS) regulations at 8 CFR 312.2(b)(2) require them to submit a Medical Certification for Disability Exceptions, Form N-648 from a licensed health care provider (medical or osteopathic doctor or clinical psychologist), affirming the existence of a medical condition warranting the exception, as part of their application for naturalization.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

USCIS uses the Form N-648 to substantiate a claim for an exception to the requirements of section 312(a) of the Act. Only medical doctors, doctors of osteopathy, or clinical psychologists licensed to practice in the United States are authorized to certify Form N-648. By certifying the form, the doctor states that an applicant filing an Application for Naturalization, Form N-400, is unable to complete the English and/or civics requirements because of a physical or developmental disability or mental impairment(s).

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

The use of this form currently provides the most efficient means for collecting and processing the required data. USCIS provides this application to the public via the USCIS Internet Web site at www.uscis.gov/n-648. This form can be downloaded,

completed and saved electronically, but cannot be e-filed at this time. Due to the partial GPEA compliance of allowing for accessing, completing and saving the form electronically, USCIS respectfully requests a minimum 2-year approval.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

A search of USCIS automated forms tracking system was accomplished and revealed no duplication. There is no similar data collected.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

This collection of information does not impact small businesses or other small entities. This form is completed by individuals seeking an exception and, while they may engage the services of medical doctors, doctors of osteopathy, or clinical psychologists licensed to practice in the United States, those activities are a normal part of the medical professionals' function and no unnecessary burden is placed upon them due to the collection activities associated with this form.

Under 8 CFR 1320.3(c)(4), for the purposes of the definition of ten or more persons, persons do not include contractors engaged by a respondent for the purpose of complying with the collection of information. Medical professionals providing medical certifications fall under the category of contractors engaged by the respondents to comply with this information collection, and may not be considered respondents or persons impacted by this information collection for purposes of the Paperwork Reduction Act.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If the information is not collected, the adjudicating officer will be unable to determine whether the applicant is qualified for the exception.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **Requiring respondents to report information to the agency more often than quarterly;**
- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any**

document;

- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

- 8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On April 21, 2021 USCIS published a 60-day notice in the Federal Register at 86 FR 20704. USCIS received 41 comments after publishing that notice. Two of the 41 comments were duplicates. The remaining 39 comments are described and responded to in Appendix A.

On October 6, 2021, USCIS published a 30-day notice in the Federal Register at 86 FR 55630. USCIS received 3 comments. One comment was out of scope. Two comments were substantive and are responded to in Appendix B.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

USCIS does not provide any payment for benefit sought.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.

There is no assurance of confidentiality.

The system of record notices associated with this information collection are:

- DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, September 18, 2017, 82 FR 43556.
- DHS/USCIS-007 Benefits Information System, October 16, 2016, 81 FR 72069.

The privacy impact assessment associated with this information collection is:

- DHS/USCIS/PIA-003 Integrated Digitization Document Management Program.
- DHS/USCIS/PIA-015 USCIS Computer Linked Application Information Management System (CLAIMS 4), September 5, 2008.
- DHS/USCIS/PIA-056 USCIS Electronic Immigration System (USCIS ELIS).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of**

potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

Information Collection Hour Burden Estimate								
		A	B	C = A x B	D	E = C x D	F	G = E x F
Respondent Type	Form Name/ Form Number	No. of Respondents	No. of Responses per Respondent	Total No. of Responses	Avg. Burden per Response, in hours	Total Annual Burden, in hours	Avg. Hourly Wage Rate, in dollars	Total Annual Respondent Cost, in dollars
Business or other for-profit	Medical Certification for Disability Exceptions, N-648 Medical Professional	19,527	1	19,527	2.00	39,119	176.61	6,908,724
Individuals or households	Medical Certification for Disability Exceptions, N-648 Applicant	19,527	1	19,527	8.00	156,216	39.51	6,172,675
Total				39,054		195,335		13,081,399

See References and Notes Section for Citations

- 13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**
- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time**

period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995; (2) to achieve regulatory compliance with requirements not associated with the information collection; (3) for reasons other than to provide information or keep records for the government; or, (4) as part of customary and usual business or private practices.

There are no capital, start-up, operational, or maintenance costs associated with this information collection. For informational purposes only, there are no fees associate with the N-648.

Out-of-pocket Cost to Respondent			
	A	B	C = A x B
Instrument	Respondents	Per Respondent Cost, in dollars	Total Out-of-Pocket Cost, in dollars
N-648, Medical Professional	19,527	32	623,888
N-648, Applicants	19,527	878	17,151,201
Total Est. Cost		910	17,775,089

See References & Notes Section for Citations

This information collection may impose out-of-pocket costs on respondents. To estimate out-of-pocket costs, USCIS considered costs related to Lawyers, Interpreters, Preparers, Biometric Services, Postage, and other costs. This information collection imposes out-of-pocket costs related to travel, medical costs, shipping, and other document procurement costs.

14. **Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support**

staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Cost to Government						
	A	B	C	D	E	F = A (B + C x D + E)
Instrument	Respondents	US CIS Fee, in dollars	Adjudication Hours	Avg. Hourly Rate, in dollars	Other Government Costs	Total, in dollars
N-648, Medical Professional	19,527	-	0.5	47	-	456,338
Total Est. Cost						456,338

See References & Notes Section for Citations

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

This action resulted in program changes that are outlined in the table below.

Instrument	Change
N-648, Medical Professional	INS and FRM: USCIS removed questions and instruction that were determined no longer necessary to properly adjudicate the N-648. USCIS also rewrote some language to better inform the respondent on how to complete the form.
N-648, Applicants	Adding Applicants (foreign national) to the analysis to account for the time and cost incurred by the applicant to travel to and participate in medical evaluation and out-of-pocket costs.

Estimated Respondent Annual Hourly Burden Change, in hours				
	A		B	C = B - A
Instrument	Hours Approved on Jul 23, 2020	Adjustment Type	New Hours Requested	Difference
N-648, Medical Professional	10,014	Program Change	39,119	29,105
N-648, Applicants	-	Agency Estimate	156,216	156,216
Total			195,335	185,321
Total Attributed to Program Change			39,119	29,105
Total Attributed to Agency Estimate			156,216	156,216

With this Revision action, there was an increase in the total estimated annual hour burden. This result stems from an increase in hours due to a change in the Agency Estimate and an increase in hours due to Program Change reported in the above table. There are no other program changes.

Estimated Respondent Annual Out-of-Pocket Cost Burden Change, in dollars				
	A		B	C = B - A
Instrument	Out-of-Pocket Cost Approved on Jul 23, 2020	Adjustment Type	New Out-of-Pocket Cost Requested	Difference
N-648, Medical Professional	213,107	Agency Estimate	623,888	410,781
N-648, Applicants	-	Agency Estimate	17,151,201	17,151,201
Total			17,775,089	17,561,982
Total Attributed to Program Change			-	-
Total Attributed to Agency Estimate			17,775,089	17,561,982

With this Revision action, there was an increase in the total estimated annual out-of-pocket cost burden. This result stems from an increase in costs due to a change in the Agency Estimate and no change in costs due to Program Change.

- 16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

This information collection will not be published for statistical purposes.

- 17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

USCIS will display the expiration date for OMB approval of this information collection.

- 1. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.**

USCIS does not request an exception to the certification of this information collection.

B. Collections of Information Employing Statistical Methods.

There is no statistical methodology involved with this collection.

References & Notes

Question 12: Estimates of the hour burden

U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, Office of Performance and Quality, Mar 01, 2021.

U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, Office of Policy and Strategy, Regulatory Coordination Division, Apr 07, 2021.

Bureau of Labor Statistics, U.S. Department of Labor, National Compensation Survey, Employer Costs for Employee Compensation, Sep 17, 2020, <https://www.bls.gov/news.release/ecec.toc.htm>. Oct 30, 2020.

Bureau of Labor Statistics, U.S. Department of Labor, Occupational Employment Statistics, 29-1248 Surgeons, Except Ophthalmologist, Mar 31, 2020, [https://www.bls.gov/oes/current/oes_nat.htm]. Oct 30, 2020.

Question 13: Estimates of the Out-of-Pocket Cost Burden

'Price List.' Notice 123 | Postal Explorer, United States Postal Service, Oct 18, 2020, pe.usps.com/text/dmm300/Notice123.htm. Oct 30, 2020.

USCIS assumes a \$5 out-of-pocket cost to the respondent per relevant instruments, which accounts for expenditures related to completing the information collection and gathering required evidence.

Question 14: Estimates of Government Costs

U.S. Office of Personnel Management, Policy, Data, Oversight: Pay & Leave, 2020 General Schedule Pay Tables, Base Grade-12, Step-1, Jan 01, 2021, <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/>. Mar 31, 2021.

Appendix A: 60-day FRN Comments and Responses

On April 21, 2021 USCIS published a 60-day notice in the Federal Register at 86 FR 20704. USCIS received 41 comments after publishing that notice. Two of the 41 comments were duplicates. The remaining 39 comments contain multiple issues, suggestions and recommendations, which are described and responded to below.

Comment: Several commenters stated that the form has too many questions, it is redundant, cumbersome, and confusing. Another commenter, joined by 23 others, commented that USCIS should reduce the N-648 form to 2 pages.

Response: USCIS agrees with the commenters and has eliminated several questions from the Form N-648, as described in more detail in the responses below. The form is now significantly shorter than before.

Comment: Multiple commenters recommended that USCIS eliminate item number 3 and item number 4 on Part 3, which refer to the date the disability or the impairment began and the date of diagnosis. A commenter stated that the reality is that most medical professionals will not know when each disability began or was diagnosed. Some commented that the questions presume that every applicant has a long history of healthcare in the U.S., and that the person had a specific event or injury that caused the disability, but this is often not the case. Others commented that the information requested is superfluous.

Response: USCIS agrees with the commenters and has removed questions 3 and 4 from Part 3.

Comment: Several commenters recommended that USCIS eliminate or revise item number 5 on Part 3, which refers to the cause of the applicant's disability and/or impairment. A commenter states that it is not required to give the cause of a disability and this contributes no useful information to determining the adequacy of the application. Another commenter states that this question is unclear and not relevant, since the cause could be natural or there could be multiple causes. This commenter suggests that revising the question to "list the primary causes of the medical disabilities and/or impairment" or "aside from natural causes, list any other causes for each of the applicant's medical disabilities and/or impairments," the form would be less confusing, easier to complete, easier for USCIS officers to review, fairer for applicants, and make it more likely that people who qualify for the waiver will get it.

Response: USCIS agrees with the commenters and has removed question 5 from Part 3.

Comment: Multiple commenters recommended that USCIS eliminate item number 7 on Part 3, which refers to how each relevant disability and/or impairment affects specific functions of applicant's daily life. A commenter states that this question invites the adjudicator to substitute

his/her judgement for that of the medical professional by using ability to perform daily activities as an overly simplistic litmus test for N-648 eligibility. Further, it would be inappropriate to presume, for example, that someone who can drive or perform simple, repetitive manual work on a job has the necessary physical and mental abilities to take a citizenship test in its standard form. There is no basis in the applicable statute or regulations for USCIS to question the applicant about his/her daily life activities. Another commenter states that keeping this question will lead people to be wary of applying, even if they deserve the waiver and removing the question would increase efficiency, effectiveness, and allow more qualified people to obtain the waiver. Another commenter states that daily life activities should not be considered by USCIS officers, because a certifying medical professional's explanation of how the applicant's disability prevents the applicant from demonstrating knowledge and understanding of English/civics should suffice under the regulations.

Response: USCIS agrees with the commenters and has removed question 7 from Part 3.

Comment: A couple of commenters recommended that USCIS eliminate item number 9 on Part 3, which refers to providing an explanation as to which disabilities and/or impairments last over 12 months. One commenter stated that this question requires an excessive level of detail that is not supported by the regulations and should be removed. Another commenter stated that this question should be deleted and that the only legal requirement is that the disability or impairment has lasted or is expected to last at least 12 months.

Response: USCIS agrees with the commenters and has removed question 9 from Part 3.

Comment: Several commenters recommended including a note to item number 10 in Part 3 to indicate that if applicants have disabilities that are the result of illegal use of drugs or that are not expected to last 12 months or more, they are ineligible for this exception [this comment may go to the comments that address specific questions above].

Response: USCIS agrees with these comments and we have included these notes.

Comment: Some commenters recommended that USCIS eliminate item number 11 on Part 3, which refers to explanations as to which disabilities or impairments are the result of the applicant's illegal use of drugs.

Response: USCIS agrees with the commenters and has removed question 11 from Part 3.

Comment: A couple of commenters recommended that USCIS should accept telehealth, telemedicine and telepsychology examinations for purposes of certifying Form N-648.

Response: USCIS understands the new provisions for telehealth, telemedicine and telepsychology that medical professionals now utilize. Therefore, USCIS has deleted the requirement for in-person examinations in the form.

Comment: A couple of commenters stated that N-648 adjudication is arbitrary and inconsistent, and that officers training must be revised.

Response: USCIS is currently reviewing the N-648 guidance and officer training. Based on this comment, no specific changes were made to the form regarding training but note the multiple changes to the form for consistency.

Comment: A commenter, joined by 23 others, recommended that USCIS should eliminate the English and US history and civics requirement at age 55, eliminate literacy requirements, as well as allow the language requirement to be completed in either English or Spanish.

Response: These recommendations are not within the purview of USCIS, instead they require Congressional action. See INA 312 (requiring applicants to demonstrate and understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language and providing certain exceptions based on age and time as a lawful permanent resident).

Comment: A commenter, joined by 23 others, recommended changing the history and civics exam to a written and/or computerized, multiple choice format.

Response: USCIS appreciates the recommendation. However, in order to make such a change the regulations would need to be updated. 8 CFR 312.2(c), states that “the examination of an applicant's knowledge of the history and form of government of the United States must be given orally in English by a designated immigration officer.”

Comment: A commenter recommends revising the N-648 to add a question for the medical professional certifying the N-648 to specifically address whether the applicant’s disability prevents him or her from understanding or communicating an understanding of the Oath of Allegiance.

Response: USCIS agrees with this recommendation and added a question where the medical professional has an opportunity to address whether the disability prevents the applicant from understanding or communicating an understanding of the Oath.

Comment: A commenter suggests that the form would better be named an “exemption” rather than an “exception”, because it would be more congruent with current disability terminology.

Response: USCIS appreciates the recommendation. However, the comment provides no explanation of the reason why the term “exemption” is more congruent with disability terminology. Moreover, in order to make such a change the regulations would need to be updated. See 8 CFR 312.1(b) and 312.2(b), which refer to this process as an “exception”.

Comment: A commenter, joined by 23 others, suggested that the answer sections are often of inadequate size and should be made to expand in the electronic form, especially for questions 2, 6, 7, 8, 13, and 22.

Response: USCIS has revised the form and eliminated many of those questions. As a result, the questions on the form may have bigger answer sections. However, USCIS is working on creating the electronic filing for this form, which will have adequate size for the answer.

Comment: A commenter suggested that USCIS should include more instructions on the Form, since they were helpful because most medical professionals do not have time to read the lengthy form instructions.

Response: USCIS agrees with this recommendation and added instructional language in the Form to aid medical professionals in completing the certification.

Comment: A commenter, joined by 23 others, suggested that the USCIS officer contact the medical professional directly if there are any questions rather than request evidence, which slows the process and it is cumbersome to the applicant and the medical professional.

Response: USCIS appreciates the recommendation. However, USCIS is required to maintain a record of the proceeding. A record of the proceeding is the official material constituting the record of any application, petition, hearing, or other proceeding before USCIS. Pursuant to the Privacy Act of 1974, USCIS must protect against the unauthorized disclosure of personal identifiable information belonging to lawful permanent residents.

Comment: A couple of commenters suggested adding nurse practitioners (NPs) and licensed social workers to certify form N-648.

Response: USCIS appreciates the recommendation but is unable to update the list of medical professionals able to certify the N-648. In order to make such a change the regulations would need to be updated. See 8 CFR 312.2. However, while staff of the medical practice associated with the medical professional certifying the form may assist in completing it, the medical professional is responsible for the accuracy of the form's content.

Comment: A commenter, joined by 23 others, suggested that USCIS review any proposed rejections of N-648s with a consulting clinical professional.

Response: USCIS will take the recommendation into consideration.

Comment: A commenter, joined by 23 others, suggested that USCIS restore headers on each

page that contain the applicant's name and alien registration number (A#).

Response: USCIS agrees with this recommendation and has included the applicant's name and A# at the top of each page of the Form. This feature helps secure the applicant's information and prevents possible replacement of a medical professional name and signature into a different form for another applicant.

Comment: A commenter suggests that USCIS should not deny Form N-648 if the signature on the form was invalid. The commenter states that this rigid approach will increase the number of immaterial denials and will increase the administrative burden for applicants.

Response: USCIS will review the policy to determine if an invalid signature can be cured at the time of the interview.

Comment: A commenter, joined by 23 others suggest that USCIS review other countries' medical waivers.

Response: USCIS will take this suggestion into consideration.

Comment: A commenter suggested that when continuances are issued because of a deficiency in a Form N-648, we urge USCIS accept a corrected or updated version of the Form N-648 that the medical professional already completed, even if that version is now out of date. Requiring a medical professional to redo an entire Form N-648, due to lengthy N-400 processing times and/or USCIS having changed the form edition, wastes time and resources and dissuades disabled applicants and their families and advocates from helping them pursue naturalization.

Response: USCIS may not implement this suggestion because each form contains only one adjudicative decision. Therefore, a new form is necessary after the old form has been adjudicated and deemed insufficient.

Comment: A commenter states that "nexus" is a legal concept which is neither intuitive nor part of medical professionals' education. Further, the commenter states that because diagnostic categories often imply causation (etiology), diagnostic methods, and severity, there are many questions, such as questions 1, 2, 5, 7, 8, and 13, that from a clinical point of view appear to be redundant and/or extraneous to various extents depending on the diagnosis.

Response: USCIS agrees with this recommendation. USCIS has simplified the question that asks the medical professional to establish the causation or the nexus between the disability/impairment and the inability of the applicant to learn or demonstrate English and civics requirements for purposes of naturalization. Also, USCIS has eliminated some of the questions that the commenter mentions to make it less redundant and easier for the medical professional to

complete the form.

Comment: A commenter, joined by 23 others suggest that USCIS develop an appeal process through the Ombudsman’s office.

Response: USCIS will take the recommendation into consideration.

Comment: Two commenters suggested the elimination of item number 2 on Part 3, which provides an example (“Intellectual Disability (Severe)”) of a basic description of all the disabilities and/or impairments to be provided.

Response: USCIS agrees with this recommendation and has removed question 2 from Part 3.

Comment: A commenter, joined by 23 others suggests that USCIS retain consulting clinical professionals (physicians, clinical psychologists) to review questionable N-648s before issuing rejections related to Part 3 or discrepancies between filing and naturalization interview.

Response: USCIS will take the recommendation into consideration.

Burden and Cost Estimates

Several commenters expressed concern with the burden and cost estimates for the Form N-648.

Comment: The commenters said that there was no information on how the numbers were derived.

Response: USCIS appreciates the commenters’ concern over the transparency of how the estimates were calculated. The Office of Information and Regulatory Affairs (OIRA) does not require agencies to provide the detail on how estimates were derived in an Information Collection Federal Register Notice. However, agencies are required to provide this analysis in this Supporting Statement that accompanies the Information Collection Request that is submitted to OIRA for review and conclusion. The necessary information is provided in Questions 12 – 15 and citations are provided in the Notes Section. USCIS uses primary sources that range from USCIS for the respondent estimates to the Bureau of Labor Statistics, Occupational Employment Statistics (BLS) for the respondent average hourly wage and wage multiplier estimates.

Comment: The commenters expressed confusion over the estimated total annual cost burden, noting that if you divide it by the estimated number of respondents, the estimated cost for a professional is \$31.94 per response. Further, the commenters suggested that USCIS account for the time and/cost to USCIS.

Response: USCIS would like to clarify that two costs are calculated in the analysis for the responding certified medical professional. The first cost is the opportunity cost of time to the professional. This cost is calculated in Question 12 of the Supporting Statement by multiplying the total time by the BLS national estimate for “Surgeons, Except Ophthalmologist” (which BLS recently updated to \$120.99 per hour) by the BLS estimate for wage multiplier (which captures all other wage and benefits at 1.46). USCIS acknowledges that this estimate may over or underestimate a respondent’s opportunity cost depending on where they work, their specific occupational category, etc. The opportunity cost estimates the cost of the respondent’s time. USCIS does not account for the time that the respondent is evaluating the applicant since the respondent is being paid for these services.

Additionally, USCIS estimates the out-of-pocket cost or “estimated total annual cost burden” to the respondent in Question 13 of the Supporting Statement. This estimate evaluates the costs associated with Lawyers, Interpreters, Preparers, Shipping, Biometrics, etc. However, USCIS can only reasonably estimate shipping costs for Form N-648 respondents. USCIS acknowledges that shipping costs can vary and may be more or less than that estimated.

The opportunity cost and the out-of-pocket cost are calculated and reported separately to prevent double counting.

Finally, USCIS estimates the cost burden to the Federal Government. This estimate is calculated in the Supporting Statement, Question 14.

Comment: Several commenters expressed that 2.42 hours understates the time to complete the Form N-648. Additionally, commenters noted that insurance company’s typically do not cover the applicant’s evaluation, including appointment time and evaluation tests for the applicant, which may vary from 2-6 hours in addition to the time and cost to complete the Form N-648. Additionally, commenters suggest an estimate of “30-60 hours of time when all of the time from all of the participants is added up” and further suggests an “estimate that the true total cost ranges from \$20 million to \$50 million.”

Response: USCIS appreciates these commenters’ input. USCIS has updated the analysis to count for both the medical professionals’ and applicants’ time, opportunity cost, and out-of-pocket cost. The opportunity cost updated estimate now accounts for the requirement that the applicant travel round trip to the medical professionals’ location (possibly for multiple sessions) and participate in the examination (over multiple sessions). The estimate does not account for the time the applicant waits to see the medical professional once at the location, since USCIS does not require wait time to complete the information collection. The out-of-pocket cost updated estimate now accounts for the applicant paying for multiple sessions with the medical professional, travel costs, and interpreter costs. Calculation and estimate details in the Supporting Statement Question 12 and Question 13.

Comment: Commenters also note that in addition to the time and cost burden that applicants

experience high levels of stress during the process, especially when the N-648 is challenged or rejected.

Response: Under the Paperwork Reduction Act of 1995, USCIS does not consider “stress” in estimating burden.

Comment: Commenters assert that “Underestimating and overlooking the extent (sic) of the various costs of the N648 process also blunt the motivation for reform and improvement.”

Response: We have reviewed the burden estimates and have addressed certain areas that have impact to the responding public.

Appendix B: 30-day FRN Comments and Responses

On October 6, 2021, USCIS published a 30-day notice in the Federal Register at 86 FR 55630. USCIS received 3 comments. One comment was out of scope. Two comments were substantive and are responded to in Appendix B.

Comment:

Add reference to instructions language to Question 1 in Part 3 for an example of the use of common terminology.

Response: Thank you for your comment. USCIS has added that text reference as suggested.

Comment:

Add clarifying language to Instructions, Information Needed for Item 1 explaining that the certifying medical professional must address both diagnosis and nexus between diagnosis and inability to learn English and/or civic requirements:

Response: Thank you for your comment. USCIS has considered the suggestion and decided that it is not necessary to include it, since other instructions are sufficient to relay to the medical professional to include clear language on the relationship and causality between the disability and the applicants' inability to learn English and civics.

Comment:

Eliminate Question 8 in Part 3 and create an optional Oath of Allegiance evaluation form for medical professionals to use instead. Question 8 in Part 3 may result in unnecessary oath waiver requests, as medical professional often do not understand the requirements for the oath waiver and the ability of an applicant with a disability to take a modified or simplified oath as a reasonable accommodation.

Response: Thank you for your comment. USCIS considered the suggestion but concluded that transferring this question in a new form may create more burden for the applicant and USCIS, and therefore could be a barrier to naturalization, which would be contrary to Executive Order 14012. However, USCIS has separated the question into its own Part and added text to the Form to clarify. If an applicant is unable to understand the oath, and an oath waiver is needed, then the applicant would have the necessary time to secure a legal guardian, surrogate, or U.S. citizen designated representative to complete the naturalization process for the applicant. A medical professional who is able to assess whether the individual can satisfy the educational requirements should also be able to assess whether an individual is unable to understand or to communicate an understanding of the meaning of the Oath of Allegiance.

Comment:

Clarify if an in-person examination is required or if a telehealth appointment is sufficient for the Medical Certification for Disability Exceptions, Form N-648 and instruction.

Response: USCIS has taken into consideration this comment and has incorporated text about

telehealth examinations in the N-648 certification process. The relevant instructions have been updated.

Comment:

Permit applicants to respond to continuances with any form edition of the Medical Certification for Disability Exceptions, Form N-648. When continuances are issued because of a deficiency in a Form N-648, we urge USCIS to accept an updated version of the Form N-648 that the medical professional already completed, even if that version is no longer the current edition of the Form N-648.

Response: USCIS notifies stakeholders which form edition date must be used on the form landing page on www.uscis.gov for each specific form. New submissions of Form N-648 should be made using the form edition listed on the form webpage. However, if Form N-648 is being resubmitted to correct a deficiency, USCIS will accept a copy of the Form N-648 with updated information, even if the Form has a prior edition date. The form must be re-signed by the same medical professional who signed the original Form N-648.

Comment:

Provide updates to the USCIS Policy Manual and have additional training.

Response: USCIS will be updating the Policy Manual along with this form revision. USCIS also plans to provide training for officers and an information session for medical professionals after the updated documents are published.