



# **STAKEHOLDER ENGAGEMENT**

## **Medical Certification for Disability Exceptions (Form N-648)**

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**USCIS Office of Policy and Strategy**

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Nov. 1, 2022

## Educational Requirements



U.S. Citizenship  
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**In general, applicants for naturalization must demonstrate:**

- **English** – Ability to understand ordinary English including reading, writing and speaking
  - Understands and responds meaningfully to questions relevant to the applicant’s naturalization eligibility
  - Read and write one sentence out of three sentences correctly, in a manner that the officer understands

## Educational Requirements



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- **Civics** – Demonstrating knowledge of history and principles of the government of the U.S.
  - 100 study questions on civics
  - 10 questions during interview
  - Pass with six correct answers

# Exemptions to the Educational Requirements



If the applicant is:	<u>AND</u> has been a U.S. lawful permanent resident for:	Then the English Language Component (Speaking, Understanding, Reading, Writing) is:	The applicant must take a Civics Test; however, it is administered in a language of their choice.
Age 50 or over	20 years or more	Exempt	Civics test
Age 55 or over	15 years or more	Exempt	Civics test
Age 65 or over	20 years or more	Exempt	Specially designated civics test

The applicant may take the civics test in the applicant’s language of choice with the use of an interpreter.

USCIS also provides special consideration to applicants in the civics test if, at the time of filing the application, the applicant is 65 years of age or older and has been living in the United States for periods totaling at least 20 years subsequent to a lawful admission for permanent residence. Those applicants are administered specific test forms which include 20 study questions instead of 100. The applicant is also given a test of 10 questions and passes with six correct answers.

# Form N-648 Overview



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## 1994

- Congress enacted legislation providing an exception to the English and civics requirements for naturalization applicants who cannot meet the requirements because of a physical or developmental disability or mental impairment.

## As a Result

- Applicant submits a Form N-648 as an attachment to the Form N-400, Application for Naturalization.

# Accommodation vs. Medical Exception



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## Exception

- Exempts the applicant from all or part of the educational requirements

## Accommodation

- *Modifies* the manner in which an applicant meets the educational requirements.
- It does not *exempt* the educational requirements.

## Accommodation



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- Applicants do not need to submit an N- 648 for an Accommodation
- Request an accommodation through: **[www.uscis.gov/about-us/disability-accommodations-for-the-public](http://www.uscis.gov/about-us/disability-accommodations-for-the-public)**
- Examples of reasonable accommodations:
  - Sign language interpreters
  - Extended time for completing the English and civics requirements
  - Completing the English and civics requirements at a hospital or nursing home at an off-site location, when appropriate.

- Sign language interpreters,
- Extended time for completing the English and civics requirements, and
- Completing the English and civics requirements at an off-site location, when appropriate. This applies to cases where the applicant's illness or disability makes it medically unsuitable for the applicant to appear at the field office in person.

## Eligibility for the Medical Exception



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- Physical or developmental disability or mental impairment;
- Condition prevents the applicant from learning or demonstrating knowledge of English, civics or both;
- Condition has lasted, or is expected to last, 12 months or more;
- Not the direct result of illegal use of drugs;
- Burden of proof is on the applicant.

Illiteracy and advanced age, alone, are not sufficient for the medical exception.

The applicant bears the burden of proof to demonstrate that they have a disability or impairment such that, even with reasonable accommodations, they are unable to meet the English and civics requirements for naturalization.



## Medical Professionals' Role



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Under 8 C.F.R. 312.2, the following medical professionals are authorized to complete and certify a Form N-648 on behalf of an applicant:

- 1) Medical doctors;**
- 2) Doctors of osteopathy; and**
- 3) Clinical psychologists.**



Must be licensed to practice in any state of the United States, Washington D.C., Guam, Puerto Rico, CNMI, or the U.S. Virgin Islands.

## Medical Professionals' Role (Continued)



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The certifying medical professional must, at a minimum:

- Conduct an examination of the applicant;
- Identify and describe each disability or impairment on the Form N-648 using **common terminology** that a person without medical training can understand;
- Explain how each disability or impairment **prevents** the applicant from learning or demonstrating knowledge of English, civics or both;

## Medical Professionals' Role (Continued)



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The certifying medical professional must, at a minimum:

- Attest that the disability or impairment has lasted or is expected to last at least **12 months** and is not related to the illegal use of drugs.
- Answer all items **fully and accurately**; otherwise, the form may be found insufficient.
- May provide, but not required, diagnostic reports, records, and statements as attachments to the Form N-648 as evidence of the disability or impairment.

If a telephonic or video facilitated interpreter was used, the certifying medical professional must also complete the Interpreter Information and Certification Part.

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## Revised Form N-648



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USCIS revised Form N-648 and removed the following questions:

- Applicant's address, phone #, SS#, gender, and email address;
- Basic description of all the disabilities or impairments (P.3 Q2);
- When the disability began and dates of diagnosis (Q3&4);
- What caused each of the applicant's disabilities (Q5);
- Description of severity of each disability or impairment (Q7);
- Effects on the specific functions of the applicant's daily life (Q8);
- Date and location of first examination (Q15); and
- Explanation of the doctor-patient relationship (Q17-22).

# Revised Form N-648 (Continued)



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USCIS also **consolidated** Question 13 (“clearly describe how disabilities and/or impairments affect the applicant’s ability to demonstrate English and civics requirements”) into Question 1.

### Part 3. Information About Disabilities and/or Impairments

1. Provide the clinical diagnosis and medical code for **all** physical or developmental disabilities and/or mental impairments that affect the applicant's ability to meet the English and/or civics requirements. Also, clearly describe how each disability and/or impairment prevents the applicant from learning English and/or civics. Responses should use common terminology, without abbreviations, that a person without medical training can understand. Refer to page 2 of the Instructions for an example. Please provide the relevant medical code as accepted by the U.S. Department of Health and Human Services (HHS). This includes the Diagnostic and Statistical Manual of Mental Disorders (DSM) and the International Classification of Diseases (ICD). For example, “DSM-V 318.1 Intellectual Disability (Severe)” or “2022 ICD-10-CM F72 Severe intellectual disabilities.”

Two horizontal blue lines indicating a response area for the question above.

## Revised Form N-648 (Continued): Ability to Understand the Oath of Allegiance



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New question related to the Oath of Allegiance in Part 4 of the form.

### Part 4. Ability to Understand Oath of Allegiance

The applicant will not be able to naturalize without a legal guardian, surrogate, or an eligible designated representative unless they are able to understand and communicate that they understand the meaning of the Oath of Allegiance. The Oath may be administered in the applicant's language of choice and they may communicate their understanding in any manner (for example, by nodding).

1. Is the applicant able to understand and communicate that they understand the meaning of the Oath of Allegiance to the United States?  Yes  No

# Specific Requirements the Applicant Cannot Demonstrate



The Medical professional must answer this question fully.

7. Do any of the disabilities or impairments listed in **Part 3., Item Number 1.** prevent the applicant from demonstrating the following? Select **all that** apply. If none applies, do not complete this Form because the applicant is not eligible for this exception.

The ability to:  Read English     Speak English     Write English  
 Answer questions regarding United States history and civics, even in a language the applicant understands.

## New Policy Updates



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Deleted content related to questions that have been removed from the Form N-648.

Provides that USCIS may accept a Form N-648 submitted after the naturalization application is filed.

Clarifies the minimum information needed on the Form N-648 for sufficiency.

Illiteracy and advanced age, alone, are not sufficient for the medical exception.

USCIS still recommends submission of the N-648 with the N-400, so that the officers have time to review before an interview

The applicant bears the burden of proof to demonstrate that they have a disability or impairment such that, even with reasonable accommodations, they are unable to meet the English and civics requirements for naturalization.



## New Policy Updates (Continued)



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- The policy eliminates several sections from the previous policy that were tied to the questions removed from the form, including:

Explanation  
of doctor-  
patient  
relationship

Effects on  
applicant's  
daily life

Cause and  
severity of the  
medical  
condition



# Telehealth Examinations

- USCIS may accept a [Form N-648](#) certified by an authorized medical professional who completed it through a **telehealth examination**.
- Medical professionals conducting telehealth examinations must adhere to the respective **state telehealth laws** and requirements, otherwise USCIS may request a new [Form N-648](#).

# Oath Waivers

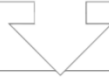


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Some applicants may not understand or communicate an understanding of the Oath of Allegiance and may need a legal guardian, surrogate, or designated representative to assist.



Previously USCIS required a separate written evaluation from the medical professional for the legal guardian, surrogate, or designated representative to assist.



New policy allows an applicant to seek an oath waiver in the Form N-648.

## Versions Accepted



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- Form and Policy effective on 10/19/22.
  - USCIS will adjudicate any pending or new N-648 based on the new policy.
- Applicants may use the old version of Form N-648 until 11/21/22.
- If an applicant was issued an RFE for an older version of the N-648, USCIS will continue to accept the older version of the N-648 that is signed and dated by the same medical professional.

## USCIS Officers' Review of the Form



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- An officer reviews the Form N-648 in its totality and may determine that the Form N-648 is sufficient even if some of the questions have incomplete responses, if the required information is present somewhere on the form.
- The officer determines that a request for a medical disability exception is sufficient if the Form N-648 contains enough information to establish that the applicant is eligible for the medical disability exception by a preponderance of evidence.

## Officer Review of the Form (Continued)



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- In general, USCIS should accept the medical professional's diagnosis and not second guess the diagnosis.
  - However, an officer may find a Form N-648 insufficient if there are credible reasons to doubt the validity of the form, or the officer finds discrepancies, misrepresentation, or fraud.

## Examples of Credible Reasons to Doubt the Validity of Form N-648



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- The applicant was not examined by the certifying medical professional;
- Someone other than an authorized medical professional certified the form;
- The applicant paid for the Form N-648 without having an examination and diagnosis by an authorized medical professional;
- The medical professional who completed the Form N-648 is under investigation for immigration or Medicaid fraud by USCIS FDNS, ICE, or another federal, state, or local agency;

## Examples of Credible Reasons to Doubt the Validity of Form N-648 (Continued)



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- The interpreter is known or suspected to be involved in any immigration fraud, including and especially Form N-648 related fraud;
- The evidence in the record or other credible information indicates fraud or misrepresentation;
- The applicant provides multiple Forms N-648 with different diagnoses and information; or
- Any other articulable grounds that are supported by the record.



# Specific Example 1



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Applicant submitted Form N-648 with Form N-400 at time of filing on December 1, 2021.

Applicant appears for N-400 interview on November 30, 2022. Officer reviews Form N-648 and finds it insufficient.

In the same interview, the Applicant presents new revised edition of Form N-648.

**In this scenario, USCIS will accept the new N-648 and review it for sufficiency. The new revision of Form N-648 can be submitted for pending N-400s filed prior to the release of the new N-648 version.**

## Specific Example 2



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Applicant filed Form N-400 on May 12, 2021. No Form N-648 was included with that filing.

Applicant appears for N-400 interview on November 30, 2022.

Applicant presents newly revised Form N-648 at the interview on November 30, 2022.

**In this scenario, with the policy update, we will now accept an N-648 that would have previously been considered untimely. The officer will review the N-648 for sufficiency.**

## Specific Example 3



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The N-648 states: *The patient suffers from Post-Traumatic Stress Disorder (PTSD) – DSM V – 309.81. PTSD can interfere with one’s ability to perform daily tasks and can result in memory and concentration issues. Because of this, the patient has great difficulty learning and retaining new information. Therefore, the patient cannot learn a new language such as English and cannot learn information about U.S. history and civics.*

**In this scenario, the medical professional explained the condition, indicated the DSM code and tied this condition to the applicant’s inability to retain information to enable them to complete the English/civics examination and therefore Form N-648 is sufficient.**

## Specific Example 4



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The N-648 states: *The patient has PTSD. Patient claims he cannot learn English or civics, and so he will not be able to pass the tests. Please waive the tests.*

**In this scenario, the medical professional did not describe the condition, did not provide an ICD or DSM code, and relies on the applicant's own self-assessment for the connection. This N-648 is insufficient.**

# Resources



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- USCIS Policy Manual, Volume 12, Part E, Chapter 3

<https://www.uscis.gov/policy-manual/volume-12-part-e>

- Webpages: <https://www.uscis.gov/>

- <https://www.uscis.gov/n-648>

- <https://www.uscis.gov/forms/all-forms/information-for-medical-professionals-completing-form-n-648>

# Listening Session



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## We want to hear from you!

Operator will provide the instructions on how you can share your feedback via the phone.

- You may also share feedback via the Q&A box in WebEx.
- Limit your feedback to the topics discussed today.
- Do not share identifying information about children or others.

30

# Topic 1: Form N-648 and Instructions



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- Based on the new version of the N-648, are there sections of **Form N-648 and Instructions** that are a source of confusion and/or that make the process and requirements unnecessarily complicated or burdensome?

## Topic 2: N-648 Policy



- Are there **regulatory provisions or USCIS policies** related to the N-648 that are a source of confusion and/or that make the process and requirements unnecessarily complicated or burdensome?



## Topic 3: General Feedback



- Are there **other N-648 related areas** for which the stakeholder community would benefit from additional guidance or clarity?

# Concluding Remarks



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## Thank you for joining today's session.

- To provide additional feedback, please email [public.engagement@uscis.dhs.gov](mailto:public.engagement@uscis.dhs.gov).
- For additional information on the N-648, please visit our website at [www.uscis.gov/n-648](http://www.uscis.gov/n-648).
- You can also find the latest guidance in the USCIS Policy Manual at [www.uscis.gov/policy-manual/volume-12-part-e-chapter-3](http://www.uscis.gov/policy-manual/volume-12-part-e-chapter-3).

34

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# About this Presentation



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- Author: USCIS Office of Policy & Strategy.
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- Any references in documents or text, with the exception of case law, relate to fictitious individuals.