



October 19, 2022

PA-2022-25

## Policy Alert

SUBJECT: Revision of Medical Certification for Disability Exceptions (Form N-648)

### Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to clarify how medical professionals can properly complete the new version of the Medical Certification for Disability Exceptions ([Form N-648](#)) and request oath waivers based on a physical or developmental disability or mental impairment.

### Background

In 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.<sup>1</sup> Applicants seeking such an exception must submit a Form N-648 completed and certified by a medical professional who attests that the applicant's condition prevents the applicant from meeting the requirements.<sup>2</sup>

Further, naturalization applicants generally must establish their willingness and ability to take the Oath of Allegiance.<sup>3</sup> An applicant who is unable to understand or communicate an understanding of the Oath of Allegiance because of a physical or developmental disability or mental impairment may qualify for a waiver of the oath.<sup>4</sup>

On December 4, 2020, USCIS published a Policy Manual update<sup>5</sup> that expanded the requirements for a properly completed Form N-648 in line with the July 23, 2020 revision of the Form N-648.<sup>6</sup> Subsequently, USCIS received comments from the public expressing concerns about the form and policy changes.<sup>7</sup> USCIS made substantial revisions to the previous form and instructions in the new

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<sup>1</sup> See Section 108 of the Immigration and Nationality Technical Corrections Act of 1994, [Pub. L. 103-416](#), 108 Stat. 4305, 4309 (October 25, 1994) (adding INA 312(b)).

<sup>2</sup> Only medical doctors, doctors of osteopathy, or clinical psychologists licensed to practice in the United States (including the U.S. territories) are authorized to certify the form. See [8 CFR 312.2\(b\)\(2\)](#).

<sup>3</sup> See [INA 337](#). See [8 CFR 337.1\(c\)](#).

<sup>4</sup> See [INA 337\(a\)](#). See [Pub. L. 106-448](#) (November 6, 2000).

<sup>5</sup> See [Properly Completed Medical Certification for Disability Exception \(N-648\)](#), PA-2020-25, issued December 4, 2020.

<sup>6</sup> See Office of Management and Budget, Notice of Action, [Medical Certification for Disability Exceptions](#).

<sup>7</sup> On April 19, 2021, USCIS issued the Identifying Barriers Across U.S. Citizenship and Immigration Services (USCIS) Benefits and Services; Request for Public Input, to seek public opinion regarding how to reduce administrative barriers

edition of the Form N-648 that are responsive to the public's feedback and reduce burdens on applicants and the agency. The Office of Management and Budget approved the new edition of Form N-648 on August 19, 2022. Starting on November 21, 2022, USCIS will only accept the 08/19/22 edition.

USCIS is updating the related guidance in the Policy Manual to conform with the Form N-648 form revision and to provide additional clarifications.

This guidance, contained in Volume 12 of the Policy Manual, is effective immediately. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance on the topic.

### **Policy Highlights**

- Clarifies minimum information needed on the [Form N-648](#) for sufficiency.
- Eliminates content related to questions that have been removed from the Form N-648 including: dates of diagnosis and when the disability or impairment began; description of severity of each disability or impairment; effects on the applicant's daily life; and doctor-patient relationship.
- Provides that USCIS may accept a Form N-648 submitted after the naturalization application is filed.
- Provides guidance regarding telehealth medical examinations for Form N-648.
- Updates requirements for oath waiver requests to allow submission of either Form N-648 or a written request from an authorized medical professional.

### **Summary of Changes**

Affected Section: Volume 12 > Part E, English and Civics Testing and Exceptions > Chapter 3, Medical Disability Exception (Form N-648)

- Revises Chapter 3 in full, incorporating changes based on the latest revision of Form N-648, including:
  - Rearranging sections and subsections;
  - Rearranging content from one section or subsection to another;
  - Deleting content that is no longer applicable due to changes in Form N-648;

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and burdens that impede access to immigration benefits. See [86 FR 20398](#) (April 19, 2021). In addition, on April 21, 2021, USCIS issued a 60-day Federal Register notice for a proposed revision of the Form N-648 and form instructions. See [86 FR 20704](#) (April 21, 2021). Comments received from the public identified deficiencies in Requests for Evidence for Form N-648 and raised concerns about inconsistent adjudication of Form N-648, unnecessary filing requirements, telehealth medical examinations, treating Form N-648 applicants with suspicion of fraud, and the separate process for obtaining a waiver of the Oath of Allegiance.

- Creating a new Section E (Scope of Medical Examination) with a new italicized subheading “Telehealth Examination”;
- Revising content in all sections throughout the chapter; and
- Adding new content throughout the chapter.

Affected Section: Volume 12 > Part J > Chapter 2 > Section A, Oath of Allegiance

- Revises language in the last paragraph.

Affected Section: Volume 12 > Part J > Chapter 3, Oath of Allegiance Modifications and Waivers

- Revises language in the last row of the table titled “Oath of Allegiance Modifications and Waiver.”

Affected Section: Volume 12 > Part J > Chapter 3 > Section C, Waiver of the Oath

- Revises language throughout Subsection 1 (Oath of Allegiance Waiver).
- Deletes second paragraph in its entirety and removes existing footnotes 16 and 18 from Subsection 2 (Legal Guardian, Surrogate, or Designated Representative).
- Removes all content in Subsection 3 (Written Evaluation) and relocates to a footnote in Subsection 1 (Oath of Allegiance Waiver).

### **Citation**

Volume 12: Citizenship and Naturalization, Part E, English and Civics Testing and Exceptions, Chapter 3, Medical Disability Exception (Form N-648) [[12 USCIS-PM E.3](#)] and Part J, Oath of Allegiance, Chapter 2, The Oath of Allegiance [[12 USCIS-PM J.2](#)] and Chapter 3, Oath of Allegiance Modifications and Waivers [[12 USCIS-PM J.3](#)].