



## **USCIS Teleconference on N-648, Medical Certification for Disability Exceptions**

On Feb. 12, 2019, the Public Engagement Division (PED) held a stakeholder teleconference to discuss the USCIS policy guidance on [Form N-648, Medical Certification for Disability Exceptions](#). The purpose of the teleconference was to update and clarify submission procedures that took effect on Feb. 12. USCIS representatives provided an overview of the guidance and Form N-648, addressed questions submitted in advance, and answered questions from teleconference participants. Below are the opening remarks on the policy guidance, the pre-submitted questions and answers, and a summary of the questions and answers posed during the teleconference.

### **Background**

In 1994, Congress enacted legislation providing an exception to the English and civics requirements for applicants who cannot meet them due to a physical or developmental disability or mental impairment.

The English and civics requirements do not apply to applicants who are unable to comply due to a “medically determinable” physical or developmental disability or mental impairment that has lasted, or is expected to last, at least 12 months. The regulations define medically determinable as an impairment that results from abnormalities that can be shown by medically acceptable clinical or laboratory diagnostic techniques.

A medical professional must complete Form N-648, Medical Certification for Disability Exceptions, and attest that the applicant’s condition prevents them from meeting the requirements.

### **New Policy Effective Date**

Volume 12 of the Policy Manual published on Dec. 12, 2018, provides guidance updating and clarifying Form N-648 filing procedures and adjudications.

This policy took effect on Feb. 12, 2019, and applies to N-648s filed on or after Feb. 12, 2019. We will adjudicate any form N-648 that corresponds to an N-400 filed before that date according to prior policy.

## **N-648 Requirements**

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.

Illiteracy alone is an insufficient reason to seek an exception to the English and civics requirements. In addition, advanced age, in and of itself, is not a medically determinable physical or developmental disability or mental impairment.

We will deem a Form N-648 insufficient if:

- The medical professional did not properly complete the form;
- The medical professional did not explain how the applicant's medical condition prohibits them from meeting the English requirement, the civics requirement, or both requirements;
- The medical professional who certified the Form N-648 is not authorized to make such certification;
- The medical professional did not examine or diagnose the applicant;
- The applicant described in the Form N-648 is not the same person as the naturalization applicant;
- Someone other than the medical professional completed or certified Form N-648 ; or
- We discover significant anomalies, discrepancies, or fraud indicators.

## **Policy Highlights**

### **1. Filing requirements**

Initial submission

- The applicant must submit their Form N-648 with their naturalization application.

Late submissions

- We may consider a late Form N-648 if the applicant provides a credible explanation and sufficient evidence for filing the N-648 after filing their Form N-400. For example, if an applicant has a significant change in their medical condition after submitting their initial Form N-648, submitting another Form N-648 would be appropriate. Other explanations for not filing the Form N-648 with the initial Form N-400 may also be acceptable.

Multiple Submissions

- If an applicant submits multiple Forms N-648 at the same time, the USCIS officer should ask why and carefully examine any discrepancies between the documents. Two different Forms N-648 from different medical professionals may also raise questions of credibility about the validity of the medical certification. Significant discrepancies may be a basis for finding the Form N-648 insufficient. In the absence of a reasonable justification, multiple submissions may raise credible doubts about the

validity of the medical certification, especially where the stated disability or impairment was not identified or discussed earlier.

#### Supplemental Form N-648

- In general, we do not request a supplemental disability determination from another doctor after evaluating the original Form N-648. However, if there is a question as to whether the medical professional actually examined and diagnosed the applicant or there are credible doubts as to the veracity of the medical certification, the officer may request a new Form N-648 from a different doctor.

## **2. Factors that may give rise to credible doubts**

(This list is not exhaustive and is meant only to provide some examples for officers when reviewing Form N-648.)

- The medical professional's responses on the Form N-648 do not contain a reasonable degree of detail or fail to provide any basis for the stated diagnosis and why the applicant cannot meet the educational requirements;
- The medical professional did not explain the specific medical, clinical, or laboratory diagnostic techniques used in diagnosing the applicant's medical condition on the Form N-648;
- The Form N-648 does not include an explanation of the doctor-patient relationship indicating that the medical professional completing the Form N-648 regularly treats the applicant for the cited conditions, or a reasonable justification for not having the Form N-648 completed by the regularly treating medical professional (if applicable);
- The Form N-648 was completed by the certifying medical professional more than six months before the applicant filed their naturalization application;
- The Form N-648 provides information inconsistent with information provided on the naturalization application or at the interview. For example, the effects of the medical condition on the applicant's daily life, such as employment capabilities or ability to attend educational programs;
- Previous medical reports, including Form I-693, Report of Medical Examination and Vaccination Record, did not identify a long-term medical condition which may be inconsistent with the Form N-648's indication of when the condition began, if indicated;
- The applicant or the medical professional failed to provide a reasonable justification for the late filing of the Form N-648;
- The applicant during the interview indicates that they were not examined or diagnosed by the medical professional, the medical professional did not certify the form, or the applicant merely paid for the Form N-648 without a doctor's examination and diagnosis;
- The medical professional completing the Form N-648 is under investigation for immigration fraud, Medicaid fraud, or other fraud schemes;

- The medical professional has engaged in a pattern of submitting Forms N-648 with similar or “boiler plate” language that does not reflect a case-specific analysis;
- The interpreter used during the medical examination, the N-400 interview, or both, is known or suspected, by FDNS or another state or federal agency, to be involved in any immigration fraud, including Form N-648-related fraud;
- The evidence in the record or other credible information available to the officer indicates fraud or misrepresentation;
- The applicant provides multiple Forms N-648 with different diagnoses and information and from different doctors; and
- Any other articulable grounds that are supported by the record.

### **3. Role of interpreters in completing Form N-648 and during the naturalization interview**

- The same interpreter can be used at the medical appointment and at the N-400 interview. The interpreter must only be disqualified if they become a witness.
- The interpreter is a witness if the officer decides to question them. When the officer asks the interpreter direct questions about what was said or happened at the medical exam, the interpreter becomes a witness.
- The officer should not disqualify the interpreter as a witness in cases of good cause. Some examples of good cause include where an applicant speaks a rare dialect or lives in a rural area where there are few others who speak the language, and a different interpreter may be difficult to find, or where waiting for a different interpreter would cause a prejudicial delay to the applicant.

### **4. Additional policy highlights**

- Applicants may decline the English and civics test or discontinue the interview when an officer determines the Form N-648 is insufficient. However, this will count as a failed attempt to pass the English and civics requirements.
- Officers will review N-648s before beginning the interview on the N-400 application and providing the English and civics test.

## **Questions and Answers**

### **Q1. What is the purpose of the proposed changes to the N-648 policy guidance?**

**A1.** The purpose is to update and clarify the filing requirements for Form N-648. According to 8 CFR 312.2(b), the applicant must submit their form with their naturalization application. It also clarifies that an officer may find an N-648 insufficient if they find credible doubt, discrepancies, misrepresentation, or fraud as to the applicant’s eligibility to qualify for the exception. Further, the policy clarifies that applicants may decline the English and civics test or discontinue the interview when an officer determines the Form N-648 is insufficient. However, this will count as a failed attempt to pass the English and civics requirements.

### **Q2. What are the medical conditions that would qualify for a disability exception?**

**A2.** There is no specific list of medical conditions that qualify for a disability exception. Any naturalization applicant who is unable to comply with the English and civics requirements due to a “medically determinable” physical or developmental disability or mental impairment that has lasted, or is expected to last, at least 12 months, may qualify for the exception. The medical professional must attest to the how the medical condition relates to the applicant’s inability to comply with any or part of the educational requirements for naturalization.

**Q3. The Policy Alert states, “This policy is effective on February 12, 2019.” Does the policy affect N-648s submitted before that date, but adjudicated after that date (due to lengthy N-400 processing times)? Or does it only affect N-648s submitted after that date?**

**A3.** In general, the Policy Manual will apply to N-648s filed on or after Feb. 12, 2019. However, the portions concerning untimely and multiple filings will apply only to N-648s attached to Forms N-400 that are filed on or after Feb. 12, 2019.

**Q4. Two of my N-400 clients were required to procure and submit new N-648s from their doctors because the form was expired when it was submitted. However, the USCIS website indicated that previous N-648 editions are acceptable. As I recall, either there was no new form available when we applied, or we submitted the older form because the website indicated, “Previous editions accepted.”**

**A4.** Information about the current edition date, and whether we are accepting previous editions can be found on [uscis.gov/N-648](https://uscis.gov/N-648). Click on the “edition date” tab to access this information. The current edition date is 3/21/17, and we are accepting previous editions.

**Q5. Is it still unacceptable for officers to use questionnaires or tests to challenge each applicant’s diagnosed medical condition?**

**A5.** Yes, the table for N-648 review guidelines states that the officer should not:

- Attempt to determine the validity of the medical diagnosis or second guess why this diagnosis precludes the applicant from complying with the English and civics requirements;
- Require that an applicant undergo specific medical, clinical, or laboratory diagnostic techniques, tests, or methods.

**Q6. Is it still unacceptable for officers to infer that the applicant is able to comply with all portions of the English and civics requirements in cases where an applicant only seeks an exception from certain portions?**

**A6.** Yes. The officers will not infer that the applicant is able to complete the other parts of the test. The medical professional who certifies the Form N-648 will indicate which test the applicant should not take.

**Q7. Why must an applicant file Form N-648 with their N-400? Given USCIS wait times, a form submitted closer to the time of the interview will provide the most up-to-date description of an individual's impairment. The regulations merely require the N-648 to be submitted as an attachment to the N-400 and do not mandate the time of filing.**

**A7.** According to 8 CFR 312.2(b), an applicant must submit Form N-648 as an attachment to their Form N-400, Application for Naturalization. An N-648 that has been signed and certified by the medical professional no more than six months before the applicant files their N-400 is valid throughout the adjudication process. Submitting at the time of filing allows the officer to review the application before an interview. In addition, this may decrease wait times and allow for a smoother interview process.

**Q8. What is USCIS' plan for training officers on the new policy guidance?**

**A8.** Officers who adjudicate the form have undergone mandatory training on the updated policy before Feb. 12, 2019 (the effective date of the policy guidance). So far, more than 1,700 officers received training on the form and policy, and all new officers will receive training if they are assigned to adjudicate naturalization applications.

**Q9. How will you train officers to spot factual discrepancies between the I-693 and N-648, given that these medical examinations are required for different purposes? Medical professionals administering the I-693 are primarily concerned with conditions that will affect the public's health. In contrast, a medical professional completing an N-648 is focused solely on an individual's ability to learn English and civics (not a public health inquiry). The fact that a condition appears on the N-648 but not the I-693 should not be considered a discrepancy.**

**A9.** A discrepancy between the I-693 and the N-648 will be treated as one factor to consider. This will not alone serve as a basis for finding the form insufficient. Each case will be reviewed individually and officers will be trained to review any discrepancies between Form I-693 and Form N-648 but not make an insufficiency determination solely on that discrepancy. The policy manual update specifically provides that an officer must not conclude that the applicant has failed to meet the burden of proof simply because they did not previously disclose the alleged medical condition in other immigration related medical examinations.

If previous medical reports, including Form I-693, did not identify a long-term medical condition, and this is inconsistent with the Form N-648's indication of when the condition began, that discrepancy would be a credibility concern. The officer may consult with their supervisor and should not conclude that the applicant has failed to meet the burden of proof simply because they did not previously disclose the alleged medical condition in other immigration-related medical examinations or documents. However, it is appropriate to consider this as a factor when determining the sufficiency of their Form N-648. The officer should always carefully examine the evidence of record and ask follow-up questions to resolve any outstanding issues.

**Q10. Is an officer allowed to question an applicant about daily activities not mentioned in the N-648?**

**A10.** Officers have been trained on the form and policy. A medical professional is not currently required to provide information about daily life activities in the N-648. However, depending on the answers given on the N-648, an officer may find discrepancies related to the applicant's daily life activities and information between Form N-648 and other information and documents in the applicant's file. The officer may ask questions about discrepancies in the file.

**Q11. Do officers review the N-648 before the interview, or only while the interview is taking place?**

**A11.** Officers review the Form N-648 before the interview when an applicant submits it with their Form N-400. If an applicant submits the initial N-648 at the interview, the officer will review the Form N-648 before officially starting an interview.

**Q12. Do officers have access to the full Form N-648 at the time of the naturalization interview? At a recent interview, the interviewing officer indicated that she could not see the Form N-648 because it was an electronic file.**

**A12.** While we cannot speak to why that particular officer was not able to see the entire N-648 on that specific occasion, officers have access to the Form N-648 at the time of the naturalization interview. We have moved to processing Forms N-400 and Forms N-648 in an electronic environment, and officers will be able to view the form electronically.

**Q13. The new policy guidance states, "The officer *must* notify the applicant of the Form N-648 deficiencies in writing" and "*may* choose to issue... a request for evidence." What benefit is gained from changing the guidance to make the RFE optional? What document would the applicant receive in writing, if not an RFE? In the past, USCIS would issue a form called a "Notice of Incomplete N-648" (N-648B) and we encourage USCIS to implement this form again.**

**A13.** Currently, if an officer determines the N-648 to be insufficient during the first interview, we will issue an RFE to the applicant that explains the deficiencies of the form. Additionally, if the applicant fails to meet the statutory requirements after two opportunities, we will deny their Form N-400 and will inform of the reason we deemed their Form N-648 insufficient in the N-400 denial notice. We will review the possibility of standardizing an RFE for insufficient N-648s.

**Q14. Is it now your policy that applicants for citizenship who need interpreters cannot use the same interpreters for the medical exam as in the interview?**

**A14.** The same interpreter can be used at the medical appointment and at the N-400 interview. The interpreter must only be disqualified if they become a witness.

The interpreter is a witness if the officer has basis for, and decides to, question the interpreter. For example, when the officer asks the interpreter direct questions about what was said or happened at the medical exam, the interpreter becomes a witness. In such cases, the interpreter should be disqualified unless good cause exists not to disqualify the interpreter. However, whether a good cause exception exists will be reviewed on a case-by-case basis.

**Q15. Why is an interpreter classified as a “witness”? Don’t the “good cause exceptions” for witness interpreters listed in the AFM (15.7) apply to virtually all N-648 cases, namely, when the subject matter deals with sensitive medical or mental health issues?**

**A15.** The interpreter is a witness if the officer has basis for, and decides to, question the interpreter. For example, when the officer asks the interpreter direct questions about what was said or happened at the medical exam, the interpreter becomes a witness.

In such cases, the interpreter should be disqualified unless good cause exists not to disqualify the interpreter. Whether a good cause exception exists will be reviewed on an individual basis.

**Q16. Are there cases in which a client who is unable to learn English may learn the answers to the citizenship test in their native language and be approved for an interpreter during the interview? If so, how do we indicate this need on the waiver form?**

**A16.** Applicants are only able to waive the test in English if they qualify based on the years of residence and age, or a sufficient N-648. If a medical professional indicates on Form N-648 that the applicant is able to demonstrate their knowledge of civics, but not their knowledge of English due to their medical condition, and we determine that the form is sufficient, we will administer the civics test in the applicant’s preferred language.

**Q17. Page six of the Policy Alert states, “Staff associated with the medical professional may assist in completing the form” so long as the medical professional provides the information, answers the questions, and verifies the form’s content. But then on page 12, it states that an N-648 is insufficient if the form “was completed ... by someone other than the certifying medical professional.” That sounds like conflicting information. What if a medical staffer *completes* the form, but with information provided by and verified by the medical professional?**

**A17.** The language on page six correctly states that staff associated with the medical professional may assist in completing the form. The medical professional is responsible for evaluating the applicant and providing the information on the N-648. A staff member may type or write the responses to the answers as provided by the medical professional. However, the staff member must not certify and sign the form.



**Q18. Can you provide examples of “sufficiently detailed” explanations of having someone other than the regularly treating medical professional completing the N-648?**

**A18.** Each case is reviewed individually and the officer will review the N-648 in its totality, along with the Form N-400 and information contained in the A-File to determine if it is sufficient. If someone other than the regular medical professional certifies the form and the applicant fails to present a sufficient explanation, that may raise questions of credibility. The officer may ask additional questions or request additional information.

**Q19. What should applicants and representatives do when a USCIS officer substitutes their judgment for that of the medical professional?**

**A19.** An applicant may request to speak to a supervisor if they believe that the officer is substituting their judgment for that of a medical professional.

**Q20. In our experience, N-648s and reasonable accommodations often go hand-in-hand. Please provide an overview of the current process for applicants to request reasonable accommodations for a disability and for USCIS to process the request and ensure the accommodations are provided.**

**A20.** If a person needs an accommodation due to a disability that affects access to a USCIS program or activity, please call the USCIS Contact Center at 800-375-5283 to request an accommodation. You can also [request an accommodation](#) for a USCIS appointment online. For more information, please search “accommodations” on [uscis.gov](#).

**Q21. How are officers trained on reasonable accommodations?**

**A21.** USCIS has specific training regarding accommodations that officers complete.

USCIS staff also responded to the following live questions during the teleconference:

**Q. Is there a list of doctors under investigation by USCIS?**

**A.** No, there is not a list that we can provide.

**Q. We have encountered situations where an officer asks applicants who are deaf or blind for an N-648 when they are requesting an accommodation. What can be done in these situations?**

**A.** It depends on the individual applicant. If the applicant can participate in the testing with a reasonable accommodation, we will provide the accommodation and an N-648 is not needed. Please request to speak with a supervisor if the officer asks for an N-648 and you believe only an accommodation is needed.

**Q. Is a professional interpreter required, or can a friend or family member interpret?**

**A.** We do not require the interpreter to be a professional. For additional information on qualification for interpreters, please see the USCIS Policy Memorandum titled [The Role and Use of Interpreters in Domestic Field Office Interviews](#).

**Q. The current N-648 is scheduled to expire on March 19, 2019. Will there be a new form?**

**A.** We review all of our forms on a regular basis. We are currently reviewing the N-648 as a regular part of our business practices.

**Q. If an officer determines an N-648 to be insufficient, does the applicant need to submit a new N-648 at the second interview?**

**A.** We will notify the applicant of the N-648 deficiencies in writing. They may choose to submit a new N-648 at the second interview.

**Q. Is it standard practice for an officer to request the applicant to withdraw their case if they find the N-648 to be insufficient?**

**A.** Officers deal with these situations on a case-by-case basis. Requesting a withdrawal of the application is not typical. You can request to speak with a supervisor in this situation.

**Q. Can nurse practitioners certify the N-648?**

**A.** Under 8 CFR 312.2(b)(2), only medical doctors, doctors of osteopathy, and clinical psychologists are authorized to certify the disability exception form.