CATHOLIC LEGAL IMMIGRATION NETWORK, INC.

NATIONAL OFFICE

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May 18, 2021

Samantha Deshommes
Chief, Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue NW
Washington, D.C. 20529-2140

Re: DHS Docket No. USCIS-2021-0004; Request for Public Input; Identifying Barriers Across U.S. Citizenship and Immigration Services (USCIS) Benefits and Services

Dear Ms. Deshommes,

The Catholic Legal Immigration Network, Inc. (CLINIC) respectfully submits the following comments in connection with the U.S. Citizenship and Immigration Services' (USCIS) Request for Public Input published in the Federal Register on April 19, 2021.

Embracing the Gospel value of welcoming the stranger, CLINIC promotes the dignity and protects the rights of immigrants in partnership with a dedicated network of immigration legal services programs. This network includes approximately 380 programs operating in 47 states, as well as Puerto Rico and the District of Columbia. CLINIC's network employs roughly 1,400 attorneys and accredited representatives who, in turn, serve hundreds of thousands of low-income immigrants each year.

As a Catholic organization, CLINIC adheres to and is guided by Catholic social teaching, which emphasizes welcome and accompaniment of the newcomer and care for the poor as essential ways of knowing God. The Church teaches that these obligations flow from the inalienable dignity of each human person, and that a society upholds this dignity by promoting the common good. Lastly, we strongly believe that the family unit is "the building block of society"[1] and that we must work to maintain and protect the family.

Through our affiliates, CLINIC advocates for the just and humane treatment of noncitizens through engagement with policy makers, informed by our bird's-eye view over the nation's largest network of nonprofit immigration legal services providers. CLINIC also provides direct representation and pro bono referrals through several projects: 1) the Board of Immigration Appeals (BIA) Pro Bono

[1] Letter from Pope Francis to Cardinal Kurt Koch (Oct. 4, 2013), *available at* https://w2.vatican.va/content/francesco/en/messages/pont-messages/2013/documents/papa-francesco_20131004_world-council-churches.html.

Project, 2) the Formerly Separated Families Project, 3) the Remote Motions to Reopen Project, and 4) Religious Immigration Services. Based on our extensive experience and expertise in assisting attorneys and immigrants with filings for immigration benefits, we submit the following comments in response to USCIS' request for public input on identifying barriers and burdens that prevent people from easily obtaining access to immigration services and benefits.

I. General Comments

USCIS's Request for Public Input titled Identifying Barriers Across U.S. Citizenship and Immigration Services (USCIS) Benefits and Services asks many broad questions of the public "with the goal of reducing burdens on the public, saving costs for both the public and USCIS, increasing navigability, saving time, reducing confusion and frustration, promoting simplification, improving efficiency, and/or removing barriers that unnecessarily impede access to immigration benefits."[2] CLINIC provides the following comments in order to provide guidance to USCIS regarding the barriers that most impact our own direct-services program, or affiliated immigration legal services providers, and their clients. Because the questions presented by this request for public input are so broad, our comments here are not comprehensive of all concerns we have regarding barriers to immigration benefits or USCIS practices that we oppose. CLINIC looks forward to continuing to engage with USCIS regarding ongoing improvements to processes and services that will result in smoother and more cost-effective processing for USCIS, our network of legal services providers, and the immigrant families they serve.

a. USCIS Must Revise its Mission Statement

USCIS must revise its mission statement. Its new mission statement should contain the elements of the pre-2018 version that were removed, recognizing the United States as a nation of immigrants and committing to serve its customers. When Congress disbanded the legacy immigration agency through the Homeland Security Act of 2002, it intentionally separated benefits adjudication in USCIS from immigration enforcement in ICE and CBP.[3] As indicated by the word "Service" in the name of USCIS, it was established to serve the people navigating the immigration process in the United States. The 2018 revision of the USCIS mission statement undermined the congressional intent of USCIS's purpose as an agency by shifting its focus away from serving its customers, and that problem must be corrected.

While the 2018 change in mission does not in itself create a legal burden on immigrants or their legal representatives, this change preceded an actual shift away from USCIS's service goals and customer focus. This shift was reflected in a sharp decrease in applicants' ability to access information about their cases and to make appointments with immigration officers, and a decrease in stakeholders' ability to engage with the agency on systemic problems and policy information. This shift greatly increased the burdens on immigrants and their legal representatives, as they were forced to reach out to the USCIS contact center repeatedly often without success, and policy

[2] "Identifying Barriers Across U.S. Citizenship and Immigration Services (USCIS) Benefits and Services; Request for Public Input," 86 Fed. Reg. 20398 at 20399 (Apr. 19, 2021).

[3] Congressional Research Service, "Immigration and Naturalization Service: Restructuring Proposals in the 107th Congress" (Dec. 30, 2002) (observing that that there "appeared to be a consensus among interested parties that the former INS's two main functions — service and enforcement — needed to be separated.").

changes were made without the consultation of stakeholders, who were then forced to draft detailed public comments or engage in legal action to oppose policy changes that erected needless barriers.

The restoration of USCIS's mission statement must be accompanied by improvements in applicants' access to customer service and community outreach. CLINIC's affiliates have reported difficulties in scheduling local office appointments, also called InfoPass appointments. InfoPass appointments were an important way for immigrants and their legal representatives to discuss urgent or complicated aspects of applications in-person. Restoring a robust InfoPass program would ensure that applicants are able to communicate with USCIS about their case. USCIS should expand access to InfoPass appointments to decrease burdens on applicants and ensure better access to immigration benefits.

Restoring USCIS's mission statement to its focus on the historic and current contributions of immigrants to this nation, and on the agency's purpose to serve immigrants and their U.S.-based families and petitioners, is an essential first step to rebuilding some of the trust that was lost over the last several years.

b. USCIS Should Re-Establish the Policy of Allowing 60-day Public Comment Periods, Rather than 30-day Periods.

CLINIC believes that all affected individuals should have ample time to submit comments on proposed regulations and strongly objects to the government's recent shift from the established norm of allowing the public 60 days to comment on rules to allowing the public only 30 days. The Administrative Procedures Act (APA) § 553 requires that "interested persons" from the public have "an opportunity to participate in the rule making." In general, the agencies, must afford "interested persons a reasonable and meaningful opportunity to participate in the rulemaking process."[4]

Given the importance of the public's participation in the rule-making process, Executive Order 12866 specifies that "in most cases [rulemaking] should include a comment period of not less than 60 days."[5] Executive Order 13563 explicitly states, "To the extent feasible and permitted by law, each agency shall afford the public a meaningful opportunity to comment through the Internet on any proposed regulation, with a comment period that should **generally be at least 60 days**."[6]

USCIS' Request for Public Input asks what processes USCIS should change to reduce barriers that unnecessarily impede access to immigration benefits. Re-establishing a policy to provide at least 60 days for public comments for nearly all new proposed regulations would reduce barriers to immigration benefits because it is more likely to provide adequate time for busy immigration legal providers, their clients, and the public to evaluate the proposed regulations, gather data from their practice to support their comments, and submit thoughtful public comments while still meeting their work and family obligations. CLINIC's affiliates have a wealth of information about how

[4] *Forester v. CPSC*, 559 F.2d 774, 787 (D.C. Cir. 1977).
[5] *See* Exec. Order No. 12866 – Regulatory Planning and Review, § 6(a), 58 Fed. Reg. 51735 (Oct. 4, 1993).
[6] *See* Exec. Order No. 13563 – Improving Regulation and Regulatory Review, 76 Fed. Reg. 3821 (Jan. 18, 2011) (emphasis added).

USCIS regulations impact immigration processes and immigrant families' daily lives. USCIS' policy-making efforts will be greatly enriched if they provide the 60-day comment periods expected by standing executive orders in order to be sure that busy immigration legal services providers have ample time to submit feedback about any barriers imposed by future USCIS rulemaking.

c. USCIS Should Resume Frequent and Meaningful Stakeholder Engagements

USCIS should resume frequent and meaningful stakeholder engagements regarding contemplated regulatory and form revisions, efforts to expand the online filing system, systemic case processing issues, affirmative asylum processing, and any other proposed policy changes it is considering. Stakeholder engagement with immigration legal services providers, immigrant families, and advocacy organizations at early stages -- when changes are first being considered -- results in a much smoother notice and public comment period, as the agency will likely already know the nature of the public comments they are likely to receive because such feedback would have been given to the agency before the regulation or policy change was written. USCIS can avoid wasting time and resources proposing unnecessary barriers and having to significantly revise proposals by discussing considered changes in an engagement setting, and stakeholders would not have to use time and resources drafting a formal public comment about proposals that can be identified as unnecessary barriers at that early phase.

Robust stakeholder engagements that include both providing helpful data to stakeholders and USCIS listening sessions to understand the challenges faced by immigrant families and immigration services providers are an essential element of an efficient and effective agency. CLINIC and our affiliates look forward to strengthening a cooperative relationship with USCIS that will result in smoother processing of immigration applications and increased access to benefits for which applicants are qualified.

USCIS should ensure that they also engage with government stakeholders, including state and local government officials like providers of public benefits, driver's licenses and identification cards. These agencies often require training and updates from USCIS regarding current and renewed lawful status, and what immigration documentation must be accepted as evidence. USCIS should also engage with other federal agencies to provide interagency education on USCIS processes and receive feedback about interplay between, for example, removal proceedings before EOIR and eligibility for immigration benefits processed by USCIS.

d. USCIS Should Prioritize Training in Order to Improve Efficiency in Processing and Minimize Errors that Impact Access

USCIS should prioritize training and put in place safeguards to minimize errors that lead to wasted time and resources throughout all parts of the immigration legal services system. For example, USCIS should consider mandating supervisor review before an application is rejected and/or mandating that the agency reach out to the applicant/attorney of record to tell them what the problem is and offer an opportunity for correction before rejecting a filing (the way that the clerk's office at a federal court will call if there is a problem with a filing).

e. USCIS Should Establish an Online Payment System for Fees Relating to Removal Proceedings

The Executive Office for Immigration Review (EOIR) does not accept payment of any fee relating to removal proceedings;[7] instead, the regulations require USCIS to accept such fees.[8] When the practitioner pays the fee to USCIS, USCIS then "shall return to the payer, at the time of payment, a receipt for any fee paid, and shall also return to the payer any documents, submitted with the fee, relating to any immigration proceeding."[9] The practitioner then files the fee receipt and the accompanying application or motion with the IJ.[10] Without the fee receipt accompanying the application or motion, the immigration court will likely reject the filing as improper.[11]

In the past, USCIS Field Offices accepted payments on a walk-in basis. However, during the prior administration, USCIS Field Offices began making the fee payment process more burdensome by requiring an InfoPass appointment. Around the same time, the InfoPass process became onerous with practitioners facing increasing difficulty in obtaining an InfoPass appointment within a month. The shift to InfoPass appointments for EOIR-related fee payments coupled with difficulty in scheduling InfoPass appointments especially prejudices detained noncitizens wishing to file a motion to reopen an in absentia order of removal. A barrier to paying an in absentia motion to reopen fee with USCIS means that the immigration court will not accept the motion to reopen. Without a properly filed in absentia motion to reopen that triggers an automatic stay of removal, ICE may remove the detained noncitizen. Similarly, without a properly filed in absentia motion to reopen that does not trigger an automatic stay of removal, the IJ lacks jurisdiction to adjudicate a stay of removal motion. Therefore, not only did these fee payment barriers "prevent foreign citizens from easily obtaining access to immigration services and benefits," but they also surreptitiously paved the way for ICE to deport noncitizens who were attempting to exercise their right to file a motion to reopen.[12]

To adapt to these fee payment barriers and protect their clients' rights, practitioners adopted creative measures. These creative measures included mailing the fee payment to a USCIS Field Office along with an explanation of the reason for the mailing and including a self-addressed, stamped envelope. These and other creative measures required practitioners, USCIS, and EOIR to expend unnecessary time and resources. As such, USCIS "can reduce administrative and other barriers and burdens" by switching to an online payment system that accepts credit cards, debit cards, PayPal, ACH, etc., available 24 hours a day, and produces an instantaneous receipt upon

[7] Except as provided in 8 CFR §1003.8.
[8] 8 CFR §§1103.7(a)(3); 103.7(a)(1)
[9] 8 CFR §1103.7(a)(3).
[10] Immigration Court Practice Manual, Ch. 3.4 (Filing Fees).
[11] Immigration Court Practice Manual, Ch. 3.1(d) (Defective Filings).
[12] The law "guarantees to each [noncitizen] the right to file" a motion to reopen proceedings. *Dada v. Mukasey*, 554 U.S. 1, 15 (2008).

such payment. USCIS could model this online payment system after the EOIR payment portal,[13] which accepts filing fees for appeals and motions filed with the Board of Immigration Appeals.[14]

II. USCIS Must Make Changes to Policy that will Speed Processing Times to Reduce the Backlog

During the previous administration, the USCIS policies were changed in many ways that resulted in a slower, more laborious adjudications process for immigration benefits. As a result, USCIS backlogs increased to crisis levels[15] with dire consequences for immigrant families, formerly separated families, and the religious workers CLINIC serves. Long processing times can leave vulnerable immigrants without lawful status, may require them to depart the country while awaiting their status, or may leave them without the employment authorization they need to support their families. Lack of employment authorization is often accompanied by lack of a driver's license, which can leave a family struck with sudden unemployment further disadvantaged by lack of mobility and lack of identification.

There are some policy changes that contributed to this backlog crisis still in effect. In order to reduce the burdens caused by the lapse of lawful status, employment authorization, and driver's licenses, USCIS should speedily continue the work of repealing the burdensome policy changes enacted during the previous administration. Some of the outstanding policy changes that need to be made in order to speed adjudications include:

- Reverse the policy expanding in-person interviews to include employment-based green card applicants and for the U.S.-based relatives of refugees and asylees applying on Form I-730. The shift toward an in-person interview requirement in these cases in 2017 lengthened processing delays by diverting resources to focus on interviews that are unnecessary and wasteful.[16] While USCIS may currently waive these interviews on a case-by-case basis, the policy has not yet been formally reversed, and creates a pathway to further waste of resources and delay.
- Restore the 30-day processing provision for initial submissions of Form I-765 Employment Authorization Application for asylum applicants, which was removed September 22,

[13] EOIR Payment Portal, https://epay.eoir.justice.gov/index

[14] EOIR accepts payments for appeals and motions filed with the BIA while USCIS accepts payments on motions and applications filed with the IJ because the Homeland Security Act of 2002 fundamentally changed the immigration landscape, including which agency collects the fees for processing and adjudicating immigration and naturalization applications. Prior to that time, DOJ housed both EOIR and INS, which adjudicated affirmative benefits adjudications. The HSA established DHS as a separate, cabinet-level agency, and within that larger agency, it created the affirmative adjudications sub-agency, which was initially called the Bureau of Immigration and Citizenship Services. Unfortunately, no one expected the evolution of fee collection regulations and practices to undercut the rights of the noncitizens, but this is exactly what occurred under the last administration.

[15] *See, e.g.*, American Immigration Lawyers Association, "AILA Policy Brief: USCIS Processing Delays Have Reached Crisis Levels Under the Trump Administration" (Jan. 30, 2019), https://www.aila.org/File/DownloadEmbeddedFile/79015.

[16] USCIS Webpage, "USCIS to Expand In-Person Interview Requirements for Certain Permanent Residency Applicants," (Aug. 28, 2017); https://www.uscis.gov/archive/uscis-to-expand-in-person-interview-requirements-for-certain-permanent-residency-applicants.

2020.[17] The 30-day adjudication rule should be reapplied to EAD applications for asylum seekers, as well as other vulnerable populations such as SIJS and U-visa recipients.

- Withdraw the section on "extreme vetting" described in volume 12 of the USCIS Policy Manual part D.2(d) in its entirety. This section requires officers to engage in unnecessary, time-intensive, and burdensome re-adjudication of prior immigration applications. For example, officers must "verify" the underlying LPR status in all naturalization cases, even where no question about eligibility is raised, in essence re-adjudicating an individual's LPR status. Screening for immigration benefits generally has become unreasonable and makes it more difficult, time intensive, and burdensome to apply.
- Rescind the USCIS 2018 "Notice to Appear," or NTA, guidance that expanded the agency's authority to issue NTAs, the document the government uses to begin a deportation case in immigration court.[18] As described above, this policy is a result of the distortion of USCIS's mission under the previous administration. USCIS's purpose is to adjudicate benefits, not to carry out immigration enforcement. The 2018 NTA memo is an inappropriate diversion of USCIS resources and contributes to its long processing times and backlogs.
- Rescind the USCIS policy memorandum allowing adjudicators to deny immigration applications outright without allowing applicants the opportunity to cure any deficiencies through a Request for Evidence, or RFE, or a Notice of Intent to Deny.[19] This policy wastes USCIS resources by sending cases back to square one that could easily be paused while the applicant corrects any problems, and adjudication could resume without having to repeat submission and initial review stages.
- Given extreme processing delays, and the related human consequences, USCIS should explore and implement premium processing options for humanitarian-based relief including SIJS, VAWA, asylum, U visas, and T visas.
- USCIS should make whatever adjustments necessary (such as adequate staffing) to reduce the wait time for applicants/practitioners to get a response from the 1-800 number, when the officer has the authority to fix the problem. Issues can take up to 14 days and USCIS should work to meet the standards in the premium processing unit, approximately 24 to 48 hours.

All of these recent policy changes add unnecessary barriers to the efficient adjudication of applications and petitions for immigration benefits, and create unnecessary work for USCIS. USCIS needs to significantly reduce processing times for nearly all of the most frequently used form categories, and reversing these policies will help USCIS achieve that goal, and will help applicants and their legal representatives to benefit from smoother and more predictable adjudication.

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[17] "Removal of 30-Day Processing Provision for Asylum Applicant-Related Form I-765 Employment Authorization Applications," 85 FR 37502 (June 22, 2020).

[18] "Updated Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Deportable Aliens," PM-602-0050.1, (June 28, 2018), https://www.uscis.gov/sites/default/files/document/memos/2018-06-28-PM-602-0050.1-Guidance-for-Referral-of-Cases-and-Issuance-of-NTA.pdf.

[19] "Issuance of Certain RFEs and NOIDs; Revisions to Adjudicator's Field Manual (AFM) Chapter 10.5(a), Chapter 10.5(b)," PM-602-0163, (July 13, 2018) https://www.uscis.gov/sites/default/files/document/memos/AFM_10_Standards_for_RFEs_and_NOIDs_FINAL2.pdf.

III. USCIS Must Significantly Improve its Processing of Religious Worker Temporary and Immigrant Visas

CLINIC's Religious Immigration Services department, or RIS, represents more than 200 religious organizations inside the U.S. and more than 800 foreign-born religious workers. In Fiscal Year 2019, the Department of State issued 6,288 visas for persons in a religious occupation. In addition USCIS reports that in Fiscal Year 2019, 14, 817 people were admitted to the United States with the "R" classification, signifying religious workers. These are workers of all faiths coming to the United States to serve in religious communities.

The recent substantial increase in immigration processing times has significantly impacted religious worker visas. As a result, the permanent residence program may become unattainable for religious workers, and hundreds will have no choice but to leave the U.S., leaving many communities without their faith leaders and support. In order to reduce the barriers to access to religious worker categories, CLINIC's RIS department makes the following recommendations.

a. Expand Premium Processing Service to Include Form 1-360, Petition for Special Immigrant Religious Worker

USCIS can adjudicate religious worker cases in a more timely manner by expanding the existing premium processing service to include 1-360 Petitions, the immigrant petition for religious workers. This would also help to increase revenue for USCIS. Religious workers already have this option for the nonimmigrant religious worker category. In addition, this would be equitable as the option is already available for the immigrant petition in other employment-based categories, namely the I-140. USCIS should treat all types of employment equally and offer the same avenues for speedy adjudication to religious workers that are available for other employment-based categories.

Congress recently passed a bill allowing USCIS to implement premium processing in a variety of petition types, and noted that premium processing can be extended to "any other immigration benefit type that the Secretary deems appropriate for premium processing."[20] This makes it clear that USCIS can expand premium processing service for additional forms as needed. As an employment-based category it makes logical sense that the category's Immigrant Petition would be eligible for Premium Processing. USCIS should prioritize the premium processing option for religious workers who are applying for permanent residency.

[20] Premium Processing Fee Increase Effective October 19, 2020, U.S. Citizenship and Immigration Services (October 16, 2020); U.S. 116th Congress, H.R. 8337 – Continuing Appropriations Ace, 2021 and Other Extensions Act, Oct. 1, 2020 https://www.congress.gov/bill/116th-congress/house-bill/8337/text.

b. Reinstate 90-Day Processing Time for Employment Authorization Applications When Filing Based Upon A Pending Permanent Residence Application.

In January 2017, DHS eliminated the regulatory requirement that employment authorization cards be processed in 90 days or less, as well as the issuance of "interim" EAD cards. In place of this, USCIS provided a 180-day automatic extension of the employment card if the renewal application met certain qualifying criteria.

By removing the 90-day regulatory requirement, USCIS has significantly increased instability for employers and foreign-born religious workers. Due to additional increased scrutiny for these critical applications, foreign born religious workers are now having periods where they are unable to work at all. Instead of slightly moving beyond 90 days, the processing time of these applications is now frequently over 180 days. As a result, they must stop working while they wait for the application to be adjudicated. In the case of religious workers, a diocese must quickly find someone to cover at that parish for an uncertain period. This can result in changes to Mass times, confession times, and other religious functions, as a single priest is spread across multiple parishes. The parishes are often not close to each other when the diocese covers a large, primarily rural area. The overall consequence is a loss of spiritual services in American communities.

By prioritizing adjudication of employment authorization applications with the standard security protocols that were in place prior to January 2017, USCIS can speed up the processing of these applications and reduce the agency's backlog as well. Both the agency and the public benefit from USCIS operating more efficiently.

c. Reinstate Concurrent Filing for Religious Workers Filing Forms 1-360 and I-485

USCIS previously allowed religious workers to concurrently file Form I-360, the immigrant petition, with the Form I-485, the permanent residence application. While other employment-based immigrant categories are still allowed this option, USCIS ended this option for religious workers on Nov. 9, 2010. This is particularly problematic since R-1 visa holders are unable to extend their non-immigrant status past the five-year statutory limit.

In the last four years, processing times for petitions and applications filed with USCIS have increased greatly. Significant delays in the permanent residence process for religious workers has resulted in negative impacts on religious workers and religious institutions in the United States.

The processing delays are compounded by consulate closures and the Executive Proclamation that prevents religious workers from applying for immigrant visas. If a religious worker departs the United States today, there is no way of estimating a timeline for their return since they are not permitted to apply for the immigrant visa. Consequently, dioceses are left with the burden of unstaffed positions for indefinite periods of time, again affecting community services. By allowing the two forms to be filed together, USCIS would decrease the amount of time for religious workers in the permanent residency process while also increasing agency efficiency.

d. Reinstate Expedite Criteria That Were Removed by USCIS in 2019

On May 10, 2019, USCIS issued new criteria for when a case filed with USCIS may be expedited, narrowing the situations in which this discretionary benefit can be used. Specifically, there previously was an avenue to request that a case be expedited if the case was for a "Nonprofit organization whose request is in furtherance of the cultural and social interests of the United States." In addition, there was an option to request the case be expedited if there was an emergency. These options are no longer available. Reinstating these paths to timely adjudications is one way USCIS could help religious workers immediately.

e. Create a Religious Immigration Stakeholder Group in DHS/USCIS

Prior to the Trump administration, religious organizations were provided a chance to offer feedback and communicate with USCIS on important topics affecting religious worker immigration. During the last four years, there has been no opportunity to work with the administration or USCIS to discuss how policy changes will impact the lives of those CLINIC's RIS team serves. The Biden administration should reopen lines of communication and feedback by establishing a religious worker stakeholder group. As with all stakeholder groups, this will help USCIS receive crucial early feedback in response to contemplated policy change that will help to address any possible issues before the changes are put into place, improve existing processes, and overall improve the efficiency of the immigration legal services field.

IV. USCIS Must Reduce Barriers to Access to Naturalization

Naturalization is so important to the vitality of democracy in the United States that it is the only immigration-related benefit embedded in the Constitution.[21] With 45 million foreign-born residents,[22] the United States' strength and vitality depends on the contributions of its newest members, including their ability to exercise their full rights and responsibilities as citizens. The Catholic Church, CLINIC, and its affiliates have a deep commitment to keep naturalization accessible, affordable, and indispensable to the nation's vitality. In CLINIC's view, making naturalization more accessible and affordable is a basic tenet of ensuring human dignity.

a. Rescind the N-648 Policy Guidance That USCIS Issued in 2018

USCIS should revert to the previous version of the policy guidance for Form N-648, the form used to request a waiver to be excepted from taking the English/Civics naturalization examination based on a disability. Our mission and our identity as a Catholic organization compels us to advocate on behalf of all vulnerable immigrants and refugees, including disabled permanent residents. When we acknowledge the inherent dignity and unique gifts that disabled individuals have to offer and commit to addressing the need for their fuller integration and participation in our society, we all benefit.

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[21] U.S. CONST. art. I, § 8, cl. 4.

[22] *Selected Characteristics of the Foreign-Born Population by Period of Entry into the United States*, U.S. CENSUS BUREAU, https://data.census.gov/cedsci/table?q=Native%20and%20foreign%20born%20population&tid=ACSST1Y2019.S0502 (last visited May 13, 2021).

The 2018 guidance greatly expanded the grounds for denying an N-648 application and made it more difficult for disabled applicants seeking to naturalize. In the longer term, USCIS should revisit the previous version of the guidance and make revisions to ensure that it balances USCIS' need to uphold the integrity of the program with disabled applicants' rights to obtain the benefits of citizenship and full participation in our democratic system.

b. USCIS Should Allow Applicants to use the Earlier (Unexpired) Edition of the Form N-648 Dated May 23, 2019.

The new edition of the Form N-648 is much longer and more onerous than the previous version. It places unreasonable burdens on busy medical professionals and arbitrarily prevents applicants with disabilities from qualifying for naturalization. Both the form and the policy guidance contradict the purpose and intent of the underlying statute and regulations that created a means for applicants with disabilities to naturalize. In the longer term, USCIS should simplify the May 23, 2019 edition of the Form N-648 by reducing the number of questions and making it shorter and easier for doctors to complete.

Conclusion

Thank you for the opportunity to submit these comments. We appreciate your consideration. Please do not hesitate to contact Lisa Parisio, CLINIC's Advocacy Director, at lparisio@cliniclegal.org should you have any questions about our comments or require further information.

Sincerely,

Anna Marie Gallagher
Executive Director