



# Medical Exemptions: Challenges and Opportunities in Supporting LPRs with Disabilities through the Naturalization Process

**August 21, 2015**





Cities for Citizenship (C4C) is a major national initiative aimed at increasing citizenship among eligible U.S. permanent residents and encouraging cities across the country to invest in citizenship programs. C4C is chaired by New York City Mayor Bill de Blasio, Chicago Mayor Rahm Emanuel, and Los Angeles Mayor Eric Garcetti, with support from the Center for Popular Democracy and the National Partnership for New Americans. Citi Community Development is the Founding Corporate Partner.

### **Participating Cities:**

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· Philadelphia, PA · Pittsburgh, PA · Reading, PA ·  
San Francisco, CA · San Jose, CA · Seattle, WA · Washington, DC

# Presenters

- Stacey Banks, Adjudications Officer, Field Operations Directorate, Citizenship Office Branch, US Citizenship and Immigration Services
- Cuc Vu, Director, Office of Immigrant and Refugee Affairs, City of Seattle
- JuanCamilo Parrado, World Relief: Chicago
- Molly Gavin, Citizenship Coordinator, CASA de Maryland
- Laura Burdick, Field Support Coordinator, CLINIC

# Overview of Medical Certification Exemption Waivers

- The N-648 exemption is an application to waive the English and civics testing requirements for naturalization due to a severe physical, developmental, and/or mental disability.
- Applicant must prove the disability has lasted or will last 12 consecutive months.
- N-648s can only be certified by doctors licensed in the United States and US territories.

# Overview: N-648

- Physicians must provide the clinical diagnosis that is the basis for applicant seeking the exemption.
- Must provide a basic description of the impairment or condition.
- Provide dates of first examination of the applicant and information on the regular treatment plan of the individual.
- Describe cause of disability or impairment and clinical methods of diagnosis.
- Describe how the disability will impair the applicant's ability to demonstrate knowledge of English and civics. Simply stating applicant's condition is not enough.

# USCIS Review and Approval Process

- Medical certification must be completed by the physician who completed an in-person exam.
- All answers must be answered fully. Incomplete answers may cause a rejection or slow down the adjudication process.
- Physician's comment must demonstrate the connection of the impairment to the applicant's ability to retain and learn civics/ and or English.
- View USCIS presentation for community stakeholders at [http://www.uscis.gov/sites/default/files/USCIS/Forms/Medical\\_Waiver/n-648-presentation.pdf](http://www.uscis.gov/sites/default/files/USCIS/Forms/Medical_Waiver/n-648-presentation.pdf)

# USCIS Review and N-400 Interview Process

- USIS officer reviews N-648 to see if applicant meets all of the waived requirements or part of the requirements.
- If USCIS officer needs more information, they will submit a Request for Evidence (RFE).
- Officer may opt to test applicant at N-400 interview and applicant may be asked to re-test.
- Officer adjudicates case. Case will either be continued, approved, or denied.

# City of Seattle



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## ABOUT OIRA

The Office of Immigrant and Refugee Affairs works to improve the lives of Seattle's immigrant and refugee residents





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## New Citizen Program (NCP)

- Consortium of 14 CBOs in Seattle/King County
- Funded primarily by Seattle and State, with a small contribution from Seattle Housing Authority
- Program serves low-income LPRs who face barriers related to age, disability, LEP and low literacy



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## New Citizen Program (cont'd)

- Services:
  - N-400 application, fee waiver and N-648 disability waiver assistance
  - Citizenship instruction and tutoring
  - Interview preparation
  - Legal assistance
- 18 languages
- More than 20,000 instruction hours/year



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## New Citizen Program (cont'd)

- 90 countries represented, primarily from: China, Vietnam, Somalia, Ethiopia, Ukraine, Philippines, Russian Federation, Cambodia, Mexico, and Laos
- 35% refugees | 65% immigrants
- 99% low-income | 86% on public assistance
- 72% speak no English or very limited English



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## **New Citizen Program (cont'd)**

- Serves approx. 660 participants/year
- 96% apply for fee waivers
- 21% apply for N-648 disability waivers



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## N-648 Disability Waivers

- Findings based on survey of and interviews with nearly 20 citizenship service providers
- High rate of rejections – usually 2 or 3 rounds of rejections or continuances
- Not isolated to Seattle/King County



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## N-648 Disability Waivers (cont'd)

- Officers reject forms not completed by the primary care doctor.
- Medical diagnosis is often questioned, second-guessed and not accepted.
- Applications are rejected if medical history is not listed in prior documents.
- Primary care doctors often do not have time to fill out forms.
- Officers appear biased, make disparaging comments to applicants, and exhibit a low quality of customer service.



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## Challenges

- Convened a meeting with USCIS District Director.
- Meeting resulted in the following outcomes:
  - City and State will submit examples of cases directly to District Director for her review.
  - City will request intervention from District Director on cases as needed.
  - USCIS will conduct a training for medical service providers.



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## Questions

- Are other regions encountering these challenges in their work?
- Have there been other organizing efforts in other regions?
- What were the outcomes of those efforts?



# Chicago



## N648 Challenges at C4C Workshops



➤ Confidentiality

➤ Thoroughness



➤ Communication between Medical and Legal Staff



➤ Training of Volunteers

➤ Proper Medical Evidence



# Chicago



## Challenges at the Local USCIS Office

- Officer training
- Supervisory review of denials

## Challenges at the State Level

- Adequacy of funding
- Consistency of funding

# Chicago



## Best Practices from World Relief Model



- Preparing N648 forms in office
- Providing samples and guidelines at the workshop for clients
- Creating a working relationship between medical and legal Staff
  - Setting clear expectations
  - Providing redacted samples of approved forms
  - Evaluation by regular treating medical professional
- Client representation at interview
- Advocacy with local USCIS office

# CASA

## New Americans Citizenship Project of Maryland

- 13 AmeriCorps Members serving DC, MD, and VA
- Application Assistance ~ 800/year
- Citizenship Classes in English and Spanish (limited)
- Individual Mentoring (“Mock Interviews”)
- Full 12-level ESOL Program
- Legal Support
- Low-interest Loan Program through local Credit Union



**Dear Medical Professional,**

**This letter is to explain the U.S. Citizenship and Immigration Services (USCIS)'s Form N-648.**

The patient before you today has decided to apply for U.S. citizenship, an exciting and momentous occasion in the life of an immigrant! At CASA , we are assisting him/her to complete the Citizenship Application (USCIS Form N-400) and providing other services to make the process easy and successful. Your patient may be entitled to the right to complete the process with certain exceptions, based on his/her medical condition.

As you may know, U.S. law requires that applicants for U.S. Citizenship be able to speak, read, and write English at a basic level, as well as pass an exam on U.S. History and Government. However, **the law allows for exceptions to these educational requirements in cases where the applicant has a severe physical or developmental disability or mental impairment that has lasted, or is expected to last, 12 months or more and directly prevents him/her for learning those skills.** This patient has come to you with USCIS form N-648, Medical Certification for Disability Exceptions, to apply for a medical exception to these requirements. *Only medical doctors, doctors of osteopathy, and clinical psychologists may certify this form.*

We at CASA, and your patient, would really appreciate your assistance in order for him/her to be able to prove the medical condition and its effects on learning skills. Please make sure to follow the following tips:

- 1) Among the items required on this form are the clinical diagnosis (including **DSM IV** code if applicable – do **not** use ICD codes), a description of the disability, clinical methods used to diagnosis the disability, and, most importantly, a description of how the applicant's disability affects his or her

*ability to demonstrate knowledge and understanding of English and/or civics.*

**In order for the citizenship applicant to be granted a waiver, the medical professional must note on the form whether the applicant's disability *prevents* the patient from demonstrating: ability to read English, ability to write English, ability to speak English, and/or the ability to answer questions regarding U.S. history and civics - even in the applicant's first language.**

- 2)** *Failure to fully and accurately complete this form can result in your patient being denied U.S. Citizenship – including loss of the \$680 application fee – or, in extreme cases where USCIS believes that the information on the form is incorrect, being investigated for fraud.*

We realize that this form may be somewhat confusing or unclear to those professionals who have not used it before, so we would be happy to answer any of your questions or concerns about this form and its uses. Please do not hesitate to contact me at (240) 670-4849, or by email at: [mgavin@wearecasa.org](mailto:mgavin@wearecasa.org).

Thank you,

Molly Gavin  
Citizenship Maryland Coordinator  
p. 240.670.4849  
**CASA**  
8151 15<sup>th</sup> Avenue  
Hyattsville, MD 20783

# CLINIC: Sharing Best Practices

- Work with doctor to submit best N-648 possible with N-400
- N-648 must be legible – ask doctor to use electronic form on USCIS website or use black ink
- Doctor should avoid medical jargon
- Not advisable to mention applicant's illiteracy or lack of education
- Make sure N-648 consistent with any previous N-648s submitted

# Best Practices Cont.

- Part III, Question #10 is key – must have detailed response on the nexus
- Legal representation at interview recommended
- If N-648 not accepted, make sure you understand why (in writing on N-14)
- If you disagree with examiner's decision, ask to speak with a supervisor; record name(s) of any supervisor(s) you talk to



# CLINIC RESOURCES

- Webinar, Naturalization for Applicants with Disabilities, <https://cliniclegal.org/category/resources-type/webinars>
- Flow Chart of the N-648 Process, [https://cliniclegal.org/sites/default/files/disability\\_flow\\_chart\\_final\\_6-10-15.pdf](https://cliniclegal.org/sites/default/files/disability_flow_chart_final_6-10-15.pdf)
- Guide, *Strategies for Naturalizing the Most Vulnerable Applicants*, <https://cliniclegal.org/resources/publications>
- Handbook, *Citizenship for Elders: Issues and Options in Test Preparation*, <https://cliniclegal.org/resources/publications>

# Other Resources

**Northwest Justice Project N-648 overview & instructions for Physicians**

<https://nwjustice.org/N648.html>

**USCIS N-648 Training for External Stakeholders:**

[http://www.uscis.gov/sites/default/files/USCIS/Forms/Medical\\_Waiver/n-648-presentation.pdf](http://www.uscis.gov/sites/default/files/USCIS/Forms/Medical_Waiver/n-648-presentation.pdf)

# Discussion

- Have you experienced similar challenges in processing of N-648s in your city?
- What can we do as CBO's and municipal partners to reach LPRs who might qualify to apply for a N-648?

# Speaker Biographies

- **CUC Vu** is Director of the Office of Immigrant and Refugee Affairs for the City of Seattle, Vu not only brings her life experience as a refugee who knows the stigma of food stamps and the prestige of an Ivy League school, but also twelve years of experience working on immigrant and refugee affairs as an advocate, issue organizer and non-profit founder and executive. Vu's experience on immigrant and refugee issues is bolstered by a passion for equity and equality, working for two decades on some of the most important civil rights issues of our time, including the rights of workers, women and lesbian, gay, bisexual and transgender people.
- **JuanCamilo Parrado** is an immigration attorney and has been working with World Relief Chicago for the last two years. Juan is well versed of all facets of family immigration law. Juan has handled cases where N-648 applications have been filed. Juan has been licensed in New York, since December 2013.
- **Molly Gavin** entered the Citizenship Program at CASA three years ago as an AmeriCorps service volunteer and ESOL teacher. She has been a program coordinator for the AmeriCorps team that provides CASA's citizenship services for the past two years and has received recognition as a BIA accredited representative. CASA's program includes application support, citizenship classes, applicant mentoring, financial education, and a loan option for naturalization applicants, as well as support for residency renewals and citizenship derivation.
- **Laura Burdick** holds a Master's Degree in social work administration, policy, and planning from Virginia Commonwealth University and a B.A. from Smith College. She provides training and technical assistance to CLINIC affiliates on immigration program management and capacity building. Since coming to CLINIC in 1997, she has managed national, state, and local citizenship and integration projects and provided naturalization training, technical assistance, and policy advocacy.



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[www.citiesforcitizenship.org](http://www.citiesforcitizenship.org)

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