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Policy Feedback@uscis.dhs.gov

Re: Comment on Policy Manual Changes: Revised Guidance for Form N-648 Submissions and Review Process, 12 USCIS-PM E.3 (June 13, 2025)

Dear USCIS,

The Immigrant Legal Resource Center (ILRC) submits the following feedback in response to the revisions published on June 13, 2025, to guidance for Form N-648 submission and review.

We note as a threshold matter that although USCIS changed the Policy Manual (PM) and an alert was sent to some addressees electronically, the agency failed to follow its usual procedure of publishing PM changes on its website under PM feedback page, where other changes to the Policy Manual reside. See https://www.uscis.gov/outreach/feedback-opportunities/policy-manual-feedback/policy-manual-feedback and note that there is no listing of a change to N-648 guidance. Instead, a general notice went out from the USCIS Office of Public Engagement that linked to an alert that described the changes. What little procedure USCIS has in notifying the public of changes and seeking feedback they have abandoned here. We submit these comments despite the lack of invitation to do so.

Background on ILRC

The ILRC is a national non-profit organization that provides legal trainings, educational materials, and advocacy to advance immigrant rights. The ILRC's mission is to work with and educate immigrants, community organizations, and the legal sector to continue to build a democratic society that values diversity and the rights of all people. Since its inception in 1979, the ILRC has provided technical assistance on hundreds of thousands of immigration law issues, trained thousands of advocates, and pro bono attorneys annually on immigration law, distributed thousands of practitioner guides, provided expertise to immigrant-led advocacy efforts across the country, and supported hundreds of immigration legal non-profit organizations in building their capacity.

The ILRC also leads the New Americans Campaign, a national non-partisan effort that brings together private philanthropic funders, leading national immigration and service organizations, and over two hundred local services providers across more than 20 different regions to help prospective Americans apply for U.S. citizenship. Through our extensive naturalization network with service providers, immigration practitioners and immigration benefits applicants, we have developed a profound understanding of the barriers faced by low-income immigrants of color seeking to naturalize. As such, we are well informed on the law and practice regarding disability waiver exceptions for the English/civics requirement for naturalization.

The recommendations that follow are gleaned from the experiences of many low-income immigrants who we and our partners serve.

ILRC opposes the 2025 revisions. We also note that USCIS states that the guidance is effective for applications filed on or after June 13, 2025, yet it appears in PM as of June 13, 2025. The thousands of applications in the pipeline that are filed before June 13, 2025, that should be adjudicated under the prior standards do not have that prior guidance available to either the applicants or the adjudicators. This is unfair and means that applications that should be adjudicated under the prior PM standards will not be, simply before the prior guidance is no longer retrievable.

I. The changes are based on a false rationale that fraud is rampant in the disability waiver process

USCIS makes the current changes based on the vague statement that, "Across the country and over the decades, there have been numerous instances where the medical certification process has been exploited." The evidence provided for this statement is three court cases citing fraud by medical professionals, one from 2023 and two from 2016.

USCIS fails to acknowledge that three lawsuits over the past nine years do not prove that the process for disability waivers lacks integrity; in fact, it established that bad actors have been held accountable in the rare instances where the government has uncovered fraud.

The current version of USCIS guidance in the Policy Manual creates many new restrictions on disability waivers and appears to assume that fraud is frequent in the disability waiver process. This creates unnecessary stumbling blocks for legitimate disability waiver applicants, who represent the vast majority of N-648 applicants.

As the CIS Ombudsman has reported, USCIS already has a robust process for investigating immigration benefit fraud through the Fraud Detection and Analysis Directorate (FDNS), and in FY 2020, only 0.5 % of N-648 filings (302 of 65,091) were referred to FDNS of which only 66 (0.1 percent) were found to be fraudulent.[1] The additional restrictive changes to the USCIS Policy Manual on disability waivers are unnecessary and were unsupported by USCIS's own record.[2]

The new guidance creates a gauntlet for highly vulnerable applicants to run, in which simple mistakes and misunderstandings of a complex process were automatically viewed as indicators of fraud.[3] The guidance contradicts the purpose and intent of the law, arbitrarily preventing applicants with disabilities from naturalizing. USCIS has provided no evidence that the changes were necessary or beneficial. Despite these factors, USCIS has already implemented the guidance.

a. USCIS is wrong in assuming that an N-648 filed after the N-400 is "late" and likely to be fraudulent

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[1] *See* CIS Ombudsman Annual Report 2021, p. 47. https://www.dhs.gov/sites/default/files/publications/dhs_2021_ombudsman_report_med_508_compliant.pdf

[2] ILRC has advocated with USCIS to remove similar restrictions made by USCIS in prior guidance. ILRC, Advocacy Comment (Nov. 9, 2021), https://www.ilrc.org/resources/advocacy-comment-n-648-naturalization-disability-waiver-form .

[3] The guidance, *available at* https://www.uscis.gov/policy-manual/volume-12-part-e-chapter-3 greatly expanded the grounds for denying an N-648. 12 USCIS-PM E.3,G.4 lists new factors that may give rise to "credible doubt."

One of the new PM sections states that an N-648 filed after the N-400 filing is deemed "late," and may only be accepted where the applicant demonstrates narrowly defined "extenuating circumstances," which in the new guidance is described as a medical condition that changed or worsened after filing of the N-400 or a medical condition that first developed after filing of the N-400. Existence of the medical condition before the filing of the N-400 is grounds for an office to question the validity of the N-648 if it is not filed concurrently with the N-400.

There are many legitimate reasons why an applicant might file an N-648 after the initial filing of the N-400 which are not discussed in the updated guidance. Unrepresented applicants may have no information about how or when to submit the N-648, and they may file their N-400 before they have an opportunity to learn about the existence of a disability waiver that may apply to them. The mere fact that the condition existed before filing of the N-400 is not a valid reason for rejecting the N-648. The public does not live and breathe by following changes in the USCIS Policy Manual, which are frequent and mostly available to immigration practitioners who follow all the government updates. And, as stated, in this case the updates have not even been published in the USCIS Policy Manual feedback page where other such changes to the Policy Manual are routinely listed. Holding N-648 applicants to this new standard without adequate notice is unduly burdensome.

b. USCIS is wrong in assuming that an applicant's multiple filings of N-648s is reason to question validity

While prior guidance advised adjudicators that they could examine multiple submissions of N-648s for the same application for significant discrepancies, the current guidance goes way beyond that and creates a presumption of invalidity. The current PM encourages adjudicators to reject multiple filings if there are N-648s submitted by separate medical professionals with discrepancies about the disability or its impact on the learning of English and civics. The guidance also encourages USCIS adjudicators to request a form N-648 from a different medical professional where it deems the initial one to be insufficient and to carefully examine the subsequent submission for consistency with the initial filing.

An overall negative judgment is rendered on multiple N-648s, and the current instructions are confusing and obtuse at best, as in this paragraph:

"Submission by the alien of a second Form N-648 at re-exam by the same medical professional, or a different medical professional when USCIS has directed the alien to submit a Form N-648 from a different medical professional, to address the insufficiencies USCIS identified in the initial N-648 will not be considered submitting multiple Forms N-648. However, the officer at re-exam should carefully examine the new Form N-648 to ensure that it addresses all insufficiencies and is consistent with the prior Form N-648. If legitimate concerns about the validity of the medical certification still exist, USCIS may find the Form N-648 insufficient and require the alien to submit a Form N-648 from a different medical professional"[4]

The guidance at hand will facilitate a timely and costly fishing expedition. USCIS officers can request re-examinations by the same medical professional or where an adjudicator requests a new N-648 from a different medical professional. USCIS officers are to compare the N-648s for consistency and, if inconsistencies are found, deny the N-648. Under this guidance, USCIS can request new N-648s indefinitely until inconsistencies are found and the applicant's application can be denied. This guidance sets up an applicant for failure and invites adjudicators to second guess medical professionals.

[4] 13 USCIS-PM E.3 (2025).

There are many valid reasons that an applicant may submit an additional N-648 that does not warrant the negative presumptions made in the current guidance. Applicants may first ask a general practice medical professional to complete an N-648, only to find later – upon recommendation from that general practice professional – that a medical or psychological specialist may have a better understanding of the disability and can write an N-648 according to their specialized knowledge. Thus, two non-identical N-648s could be submitted with varying degrees of depth regarding the applicant's disability, but the guidance would consider them to be "inconsistent" which would lead to rejection by USCIS.

Further, in the current guidance, USCIS has removed a paragraph, that "In general, USCIS does not request a supplemental Form N-648…," and where it cautioned adjudicators against doing so without consulting a supervisor, issuing and request for evidence (RFE), and providing information to the applicant about state medical board contacts to facilitate the ability to find another medical professional.[5] This carefully reasoned paragraph understood the nuance of the situation, and provided an applicant with sufficient notice in writing to respond to perceived deficiencies. Consultation with a supervisor is also a judicious recommendation that should be required before any additional N-648 from a different medical provider is requested. Specialized knowledge is required to make medical diagnoses, and adjudicators should not be encouraged to substitute their judgement for that of a medical professional.

USCIS also removed instructions from prior guidance which made clear how a medical professional who did the initial exam could properly submit an updated or supplemented N-648 as long as it was re-signed and re-dated. Now there are no instructions on how that can be properly completed on the re-exam, with the result of additional unfair rejections of N-648s.[6]

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[5] The paragraph removed from USCIS-PM E.3. F.4 stated, "*Requesting a Supplemental Form N-648 from a Different Medical Professional*

In general, USCIS does not request a supplemental Form N-648 from a different medical professional after evaluating the originally submitted Form N-648. However, if there is a question as to whether the medical professional actually examined the applicant or there are credible reasons to doubt the validity of the medical certification because it is clearly contradicted by other evidence, the officer may request a new Form N-648 from a different medical professional.[19] The officer should exercise caution when requesting an applicant obtain a supplemental Form N-648 from another authorized medical professional. The officer should:

- Consult with a supervisor and receive supervisory approval before requesting that the applicant submit a supplemental Form N-648;
- Explain to the applicant, through an RFE, the reasons for doubting the veracity of the information on the original Form N-648, including any sworn statements, observations or applicant responses to questions during the interview that raised issues of credible doubt; and
- Provide the applicant with the relevant state medical board contact information to facilitate the applicant's ability to find another medical professional.

[6] The paragraph removed from prior guidance was helpful to both adjudicators and applicants and stated, "If USCIS identifies deficiencies in a Form N-648, which the applicant is unable to sufficiently explain at the interview, an applicant does not have to submit a new Form N-648. USCIS will accept a previously submitted Form N-648 which contains updated or additional information. However, the resubmitted form must be re-signed and dated by the same medical professional who signed the original Form N-648. USCIS will accept a resubmitted Form N-648 under

The removal of these provisions does nothing to improve the efficiency of N-648 adjudications and ignores the complex nature of these applications.

II. USCIS adds unsupported reasons to doubt the validity of the N-648

Another area of change in the current guidance is in the section that describes circumstances that USCIS deems to warrant a negative presumption to doubt the validity of the N-648 form.

New material in this section makes it clear that an RFE is not mandatory as it was in prior guidance, thus depriving applicants of an opportunity to receive written notice and respond to perceived deficiencies. Now the guidance states that an adjudicator "may" issue an RFE, and if they do so they can require a new form N-648, medical records to verify the diagnosis or evidence confirming that the medical professional has actually examined the applicant.

Again, this encourages adjudicators to substitute their judgement for that of a medical professional, even to the extent of reviewing medical records. USCIS adjudicators have no specialized medical knowledge and the instruction to review medical records is ludicrous. Medical records are written for doctors in specialized vocabulary, acronyms, and abbreviations. There is no reason that a lay person should be able to determine anything about the truth of someone's disability from reviewing them unless that person has specialized medical training. The concept that a USCIS adjudicator has specialized medical knowledge and experience in every disability that would qualify someone for an N-648 is absurd.

USCIS generally adds language to the credible doubt section to encourage officers to find credible doubt in other situations not actually described in the seven grounds already listed.[7] This promotes endless fishing expeditions that are not relevant to the disability, and it encourages denials without legal bases.

New examples of credible doubt situations include contradictory information in an applicant's record. While previously this raised doubts only if an applicant provided multiple N-648s with different diagnoses, now it includes inconsistencies with "other official documentation," or with prior medical records including form I-693, the medical examination submitted at the time that the applicant applied for permanent residence. If the I-693 does not show evidence of the disability, that is now reason to find an N-648 invalid.[8]

Comparison of the I-693 with the N-648 is totally inappropriate and will not prove any information about a disability that prevents the learning of English and civics. The I-693 is a form specially designed to evaluate physical and mental admissibility for several specific Class A and Class B conditions, which are not the same in any respect as a disability that prevents the learning of English and civics. There is no place on a I-693 where the doctor opines on

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these circumstances even if a new edition of Form N-648 has been published since the Form N-648 was initially submitted, and the resubmitted form now has an expired edition date. USCIS will also accept a letter or other medical documentation addressing the Form N-648 deficiencies, if it is signed and dated by the same medical professional who signed the Form N-648."

[7] 12 USCIS-PM E.3 fn. 26, "This list includes examples to guide officers when reviewing form N-648 for sufficiency but is not comprehensive."
[8] 12 USCIS-PM E.3 G.4.

the applicant's ability to learn English and civics, because that it not what the form is designed for.[9] The doctor completing the I-693 is only looking for specific communicable diseases of public health significance such as tuberculosis, and for mental or physical conditions with harm associated that can lead to inadmissibility.

Furthermore, disabilities are not always present throughout the duration of a person's life. The disability could have arisen or significantly worsened after the completion of a person's lawful permanent residence application for which the I-693 was submitted. Under the current guidance, such an event would render the N-648 as suspect. The comparison by officers between the forms proves nothing and encourages officers to deny N-648s for no justifiable reason.

The new guidance also adds a new credible doubt situation for applicants whose statements during the naturalization interview contradict the medical condition or disability described. No additional detail is offered here, but this appears again to open the door to an adjudicator second guessing the medical professional's diagnosis based on their layperson's assessment of an applicant's condition, which is unreliable and inappropriate.

For all the foregoing reasons, we oppose the PM additions of the June 2025 and recommend reinstatement of the prior guidance published in October 2022.

Sincerely,

Peggy Gleason
Senior Staff Attorney

[9] See I-693, *Report of Immigration Medical Examination and Vaccination*, https://www.uscis.gov/sites/default/files/document/forms/i-693.pdf .