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DHS, USCIS

Mr. John Pfirrmann-Powell, Acting Deputy Chief

Regulatory Coordination Division

Office of Policy and Strategy

Re: Docket ID USCIS-2008-0021, OMB Control Number 1615-0060, Agency Information Collection Activities, Revision of a Currently Approved Collection; Medical Certification for Disability Exceptions

Dear Mr. Pfirrmann-Powell,

The Immigrant Legal Resource Center (ILRC) opposes the revisions to the N-648 proposed on August 29, 2025. The proposed changes are in violation of the law because they do not comply with the statute, the regulations or USCIS's own Policy Manual. A form cannot create a policy; it can only implement existing policy. The changes also violate the Administrative Procedures Act and the Paperwork Reduction Act. We request that USCIS withdraw these changes. We refer to Docket ID USCIS-2008-0021, OMB Control Number 1615-0060.

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. Through our close ties with the community, we have a profound awareness of the hurdles faced by qualified low-income immigrants in filing for naturalization.

General Comments

We oppose the proposed changes to the N-648 and request that they be withdrawn. The changes create a series of substantial obstacles for naturalization applicants applying for a disability waiver of the English/civics requirement. The proposed changes create a form more than twice the length (10 pp.) of the current form (just over 4 pp.) that creates an undue burden on applicants and the medical professional who must complete the N-648. It also doubles the burden of time for USCIS adjudicators who must review this form.

The barrier that these changes would pose is prejudicial to eligible waiver applicants. Standards expressed in the revised form are outside any guidance provided by the statute, regulations and USCIS Policy Manual. The form purports to create law and invents barriers to eligibility in areas where no such law has been established by legitimate guidance.

Thoroughly completing the N-648 and complying with existing guidance is already a formidable challenge, as the standards have changed frequently in recent years. The USCIS Policy Manual was amended in June 2025¹ to tighten requirements for the N-648. We opposed the changes to the Policy Manual as they unduly burdened applicants and made assumptions about fraud that are not warranted by the facts.² The current revisions to the N-648 are not reflected by the Policy Manual, however, and the changes to the form create many new standards for eligibility that have no basis in law. The overall impact of these changes is to render otherwise eligible persons unable to qualify for the disability waiver and, consequently, for naturalization.

Physicians who complete the N-648s are unfairly burdened by the voluminous additional questions in the N-648, many of which are repetitive and confusing. Physicians may simply refuse to complete such a complex and lengthy form, leaving eligible applicants with no path to apply.³ As the CIS Ombudsman has noted, medical professionals often balk at completing a lengthy and complex form. In addition, the assumption that USCIS makes that fraud is a problem in the disability waivers that must be solved by doubling the length of this form with repetitive and irrelevant questions is unwarranted by USCIS's own records. As the CIS Ombudsman 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

¹ USCIS, *Policy Alert* (June 13, 2025) <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20250613-N-648MedicalCertification.pdf>.

² ILRC, ILRC Comment, (July 9, 2025) <https://www.ilrc.org/resources/ilrc-comment-opposing-uscis%E2%80%99s-revisions-guidance-disability-waivers-english-and-civics>.

³ See CIS Ombudsman Annual Report 2021, p. 47.

https://www.dhs.gov/sites/default/files/publications/dhs_2021_ombudsman_report_med_508_compliant.pdf

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 N-648 form for disability waivers are unnecessary and are unsupported by USCIS's own record.⁴

If these revisions are adopted, this vulnerable population of applicants are faced with denial for simple mistakes and misunderstandings of a complex process because of the new standards. In sum, these proposed form changes would implement many of the worst practices that advocates had complained of in some USCIS offices where disabled applicants were treated with disrespect and were subject to a dismissive attitude of fraud by adjudicators, who often substitute their own judgement and opinions in lieu of the unbiased standard contemplated by the law. Justification for this assumption of fraud and unreliability of physician's certifications was not provided in the form changes. Our partner organizations report that qualified disability waiver applicants will face a gauntlet of new hurdles in applying for disability waivers if these changes are adopted.

The Proposed Changes to the N-648 Are Not Authorized by Law, Regulation or the USCIS Policy Manual Guidance

A. Doctor-Patient Relationship – There is no legal requirement that a “regularly-treating physician” must complete the N-648, yet the revised N-648 and instructions impose that standard.

The proposed changes include several questions to the certifying physician that express a preference for a “medical professional who provides ongoing care for the applicant,”⁵ and if they are not a regularly treating physician, they must justify why they are completing the form. They also must list the name, address and phone number of the “regularly treating physician.” Furthermore, they must explain why the regularly treating physician was unwilling or unable to complete the form.

This requirement is invented out of thin air, as neither the regulations nor USCIS Policy Manual have any reference to or requirement of a “regularly treating physician.” N-648 applicants seek out a medical professional to evaluate whether they have a disability or impairment that renders them unable to learn or understand English/civics – this does not mean that they have the resources or ability needed to see a doctor on a regular basis. In addition, it is nonsensical to ask the certifying physician why someone else (the nonexistent “regularly treating physician”) failed to complete the form, as they would have no information as to the existence or mindset of such a person.

⁴ *Id.*

⁵ Proposed changes to N-648 instructions, p. 4, Item 1.P.

The applicants for a disability waiver who our community represents are often low-income, further exacerbating the difficulty of finding and paying for a “regularly treating” physicians.⁶ Most N-648 applicants consult a physician or specialist on a one-time basis to perform the needed evaluation, as that is what they can afford, and that is what the law requires. There is no reference to or requirement of a regularly treating physician in the statute, regulations or USCIS’s own Policy Manual.⁷ The law requires that the medical professional must be properly licensed in the United States or one of its territories, not that they be a “regularly treating physician.”

Many times, applicants must consult specialized medical professionals even if they have a regularly treating physician because of the nature of their disability. Other applicants may not have a regularly treating physician at all. There is no reasonable justification for requiring the doctor to be a regularly treating physician, and this creates an arbitrary barrier to otherwise eligible applicants.

B. There is no legal requirement that the certifying physician provide treatment or therapy to “cure” an applicant’s disability that prevents the learning of English/civics, yet the revisions to the N-648 incorrectly impose that standard.

The revisions to the N-648 ask the certifying physician to describe their treatment or therapy that would allow the applicant to learn and demonstrate the English/civics requirement, and the physician must explain why they did not include such treatment information if they have not made such a prescription. Again, this requirement is invented and imposes an illegal barrier to a disability waiver. There is no requirement of treatment in the statute, regulations or USCIS Policy Manual, which focus on evaluating the disability and its connection to the ability to learn and understand English/civics.⁸ Whether the condition can be subject to therapy is irrelevant, and goes beyond any requirements that exist in law. It also discourages a certifying physician from completing the form, for fear that they haven’t performed needed requirements.

C. There is no legal requirement that the applicant be tested by ability to perform daily activities such as employment or education, but the revised N-648 would impose that standard.

⁶ Association of American Medical Colleges, *New AAMC Report Shows Continued Projected Physician Shortage* (Mar 21, 2024), “We know that people struggle to find new physicians — both primary care and specialists — so the real-world impact of the physician shortages in our research findings is felt every day by people all over the country,” <https://www.aamc.org/news/press-releases/new-aamc-report-shows-continuing-projected-physician-shortage> .

⁷ INA § 312, 8 CFR § 312.2(b)(2), 12 USCIS-E.3 do not contain the words or requirement of “regularly treating physician.”

⁸ *Id.*

Both the revisions to the N-648 form and its instructions demand that the certifying physician explain not just how the disability impacts the learning of English/civics, but also whether the applicant can perform specific functions in daily life, including employment, school, driving a car, preparing meals and maintaining hygiene. This requirement is also invented as it does not exist in the statute, regulations, or USCIS Policy Manual.⁹ In addition, it contradicts the USCIS Policy Manual instructions on how to evaluate sufficiency of an N-648, and it invites USCIS officers to second-guess the evaluation of qualified physicians by inquiring into daily activities.

Many wrongful denials will be encouraged by this as adjudicators will substitute their opinion of disability for that of a qualified medical professional. Daily activities are not a criterion for a disability waiver. The law requires a disability or impairment that prevents an applicant from learning or understanding English and/or civics.

D. The revised form states that the medical professional “must examine the applicant in person”¹⁰ despite guidance in the USCIS Policy Manual that specifically permits telehealth exams.

The revised N-648 directly contradicts the agency’s own guidance in the USCIS Policy Manual. The revised form contains the mandatory language that the physician “must examine the applicant in person,” even though the USCIS Policy Manual has provided since 2022 that “USCIS may accept a Form N-648 certified by an authorized medical professional who completed the [applicant’s] medical examination through a telehealth examination.”¹¹

In the era of the COVID pandemic, the in-person exam became an unreasonable requirement as many medical professionals turned to remote examinations, especially for patients with additional vulnerabilities such as those who have disabilities or impairments. Although the form revisions later state that “if necessary, communication with the applicant may be conducted through an interpreter by telephone or tele-video,” this caveat is meaningless with the mandatory language preceding it that requires an in-person exam.

E. The proposed N-648 imposes a new standard for sufficiency on the N-648 not based in law.

The collective impact of these *ultra vires* additions to the N-648 form that do not exist in the Policy Manual is to create a new standard for sufficiency that is not based in law and will result in many unfair denials.

The USCIS Policy Manual puts forth a standard for judging the sufficiency of an N-648:

⁹ There is no reference suggesting that ability to perform daily activities should be evaluated in the statute, regulations, or USCIS Policy Manual. INA § 312, 8 CFR § 312.2(b)(2), 12 USCIS-E.3.

¹⁰ USCIS, Proposed N-648, Medical Certification of Disability Exception, p. 1.

¹¹ 12 USCIS-PM E.3.F.

“An officer must find the [Form N-648](#) insufficient if the form lacks any of the required information detailed below.

1. Sufficient Form N-648

A request for a medical disability exception is sufficient if it contains the following information:

- Clinical diagnosis of the alien’s disabilities or impairments that render the alien unable to meet the English and civics requirements;^{[\[28\]](#)}*
- Indication whether any disability or impairment has lasted, or is expected to last, at least 12 months;*
- Statement that the physical or developmental disability or mental impairment is not the result of the illegal use of drugs;*
- Description of the clinical or laboratory diagnostic methods used to diagnose each disability or impairment;*
- Date that the medical professional last examined the alien for the disability or impairment;*
- A sufficient explanation of how the alien’s disability or impairment prevents the alien from meeting the English requirement, the civics requirement, or both requirements (the “nexus”); and*
- [Form N-648](#) must be properly completed, certified, and signed by all appropriate parties.”¹²*

However, the agency proposes N-648 changes that would also require that the physician be the regularly treating physician, that the applicant be examined in person, and that the physician and adjudicator examine applicant’s ability to perform daily activities, among other changes. The form also asks questions about treatment imposed as well as detailed information on repeated visits to the certifying physician, none of which is required by the law. None of these requirements is supported by law or the agency’s internal guidance on how to judge sufficiency of a disability waiver that warrants approval.

F. Inclusion of oath waiver question is inappropriate and creates additional barriers for applicants.

As stated in prior comments to USCIS on N-648 revisions that resulted in the inclusion of an oath waiver questions for the first time in 2022,¹³ we remain concerned by the addition of a question asking the medical professional to make a judgement on the applicant’s ability to understand the oath of allegiance for naturalization. This question was added to the N-648 in Part

¹² 12 USCIS-PM E.3.H.1.

¹³ Naturalization Working Group, *Advocacy Comment on the N-648 Naturalization Disability Waiver Form*, November 9, 2021, <https://www.ilrc.org/advocacy-comment-n-648-naturalization-disability>.

4, Question 1: “Is the applicant able to understand and communicate that they understand the meaning of the Oath of Allegiance to the United States?”

The medical professional will have no professional knowledge of what the oath contains or what an oath waiver entails, nor how an oath may legally be modified or simplified for an appropriate applicant. In an example of confusion that this question causes, a partner program informed us that a doctor was filling out the N-648 under the guidance, and when they came to the oath of allegiance question, not knowing what that meant, the doctor googled it, and concluded that it must be the pledge of allegiance. The doctor then questioned the naturalization applicant about their understanding of the pledge of allegiance before arriving at an answer for the N-648. This kind of confusion is common and is created by including this question on the N-648. The question of the oath waiver was not included in the N-648 before 2022, as it is based on a separate law and is requested through a separate process.

Congress intended to make an oath waiver available to certain severely disabled applicants who could not understand the oath by explicitly changing the statute to allow that in 2000.¹⁴ This was an entirely separate law than the 1994 naturalization disability waiver that can waive the English/Civics requirement.¹⁵ These two laws should not be conflated by asking a medical professional who is required to assess the ability to learn English and/or civics to also judge whether an oath of allegiance can be understood, thus determining whether an oath waiver is needed.

The addition of this question has led to many unnecessary oath waiver requests since it was first included in the 2022 revisions. If an oath waiver is requested, according to the USCIS Policy Manual, the applicant will need to have a qualifying U.S. citizen relative who is also a primary caregiver or a court-ordered legal guardian, surrogate or designated representative act on their behalf.¹⁶ This requirement does not exist for applicants seeking a disability waiver of the English and/or civics requirement.

¹⁴ INA § 337(a). Pub. L. 106–448 (July 12, 2000).

¹⁵ INA § 312(b)(1). Section 108 of the Immigration and Nationality Technical Corrections Act of 1994, Pub. L. 103-416 (Oct. 25, 1994).

¹⁶ This limited list of persons who can act in place of a disabled applicant are in 12 USCIS-PM C.3.A.4 and 12 USCIS-PM J.3.C.2. ILRC has commented separately to USCIS that the requirements of certain U.S. citizen relatives or a court-ordered guardian is an unreasonable barrier to the oath waiver that was created by the USCIS Policy Manual. To avoid creating additional bars to oath waiver applicants USCIS should allow a more inclusive list such as “a family member, social worker or trusted individual” to stand in for the naturalization applicant who cannot understand the oath. ILRC, *Advocacy Letter on Oath Waiver and Accommodations for Naturalization Applicants with Disabilities* (June 21, 2022) <https://www.ilrc.org/ilrc-advocacy-letter-oath-waiver-and-accommodations-naturalization-applicants-disabilities> .

Our concern is that many applicants do not have one of the limited U.S. citizen relatives currently allowed by the USCIS Policy Manual to act for them in this process, nor do they have the time or funds available to go through a lengthy court-ordered guardian or representative process.

We recommend that USCIS eliminate the question about the oath of allegiance from the N-648, since the waiver of the English/civics requirement is the focus of this form, and the underlying law is separate from that of the oath requirement and its waiver.

G. USCIS fails to justify doubling the burden of completing an N-648 on applicants, physicians and adjudicators.

The revised N-648 is 10 pages long, compared to 4 pages for the current version. This change will greatly increase the burden on applicants, certifying medical professionals and adjudicators. The Federal Register notice estimates that the burden will be 2.4 hours for physicians, and 8 hours for applicants.¹⁷ This time estimate is identical to what was estimated for the prior version of the form, which was less than half the length and did not contain dozens of irrelevant questions.¹⁸ A more reasonable estimate of the burden would be at least twenty hours on applicants, and fifteen hours on physicians. The amount of time required to complete the form will necessarily increase simply by the number of questions, many of which are repetitive and unnecessary, and others of which are irrelevant. All are very time consuming.

The revised form creates multiple obstacles for otherwise eligible applicants for a benefit because it asks information not required by the law or regulations, it creates new and unfair standards for eligibility, it requests burdensome, repetitive, or unnecessary supporting documentation, all of which we object to as excessive burdens on the public, which the Paperwork Reduction Act is supposed to prevent. If a proposed form change would increase the amount of time that advocates and immigrants would have to spend completing the form, as is clearly the case here, there should be supporting justification from the agency for that change.¹⁹ The agency provided no such justification for doubling the length and burden this form will pose.

H. Revisions to the USCIS Policy Manual in June 2025

¹⁷ DHS, USCIS, Agency Information Collection Activities; Revision of a Currently Approved Collection: Medical Certification for Disability Exceptions, 90 Fed. Reg. 166 (Aug. 29, 2025).

¹⁸ DHS, USCIS, Agency Information Collection Activities, Extension Without Changes of a Currently Approved Collections; Medical Certification of Disability Exceptions (June 14, 2024).

<https://www.regulations.gov/document/USCIS-2008-0021-0102>.

¹⁹ 44 U.S.C. § 3506 et seq. Congressional Research Service, *The Paperwork Reduction Act and Federal Collections of Information: A Brief Overview* (April 17, 2024).

We have previously filed our objections to changes in the USCIS Policy Manual which require that an applicant must file their N-648 simultaneously with their N-400 and which impose credible doubt on applicants who for legitimate reasons may have filed multiple N-648s.²⁰ We repeat our objections to those changes here.

Conclusion

For the above reasons we urge USCIS to withdraw these proposed revisions to the N-648.

Submitted by,

/s/

Peggy Gleason

Senior Attorney

Immigrant Legal Resource Center

²⁰ ILRC, *Comment Opposing Revisions to the Policy Manual on Disability Waivers*, (June 2025), <https://www.ilrc.org/resources/ilrc-comment-opposing-uscis%E2%80%99s-revisions-guidance-disability-waivers-english-and-civics>