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DHS, USCIS

Mr. John Pfirman-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

91 Fed. Reg. 108 (June 5, 2026) due July 6, 2026

Comment in Response to 30-Day Notice

Dear Mr. Pfirman-Powell,

Immigrant Legal Resource Center (ILRC) submits the following comments opposing the revisions to the N-648, Medical certification for disability exceptions, published in the Federal Register on June 5, 2026. The proposed changes are in violation of the statute, regulations and U.S. Citizenship and Immigration Service's (USCIS) own guidance in the USCIS Policy Manual because the form changes create new standards for eligibility. 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.

We have previously commented on the N-648 proposed changes that were published on August 29, 2025.¹ Our objections to the current proposed changes

¹ ILRC, *ILRC Comment Opposing Revisions to N-648, Medical Certification for Disability Exceptions*, (Sep. 30, 2025), <https://www.ilrc.org/resources/ilrc-comment-opposing-revisions-n-648-medical-certification-disability-exceptions>.

persist, as the form published with changes in June 2026 is almost completely the same as the version proposed in July 2025. The one difference in the redlined forms from 2025 to the present version is that the 2026 form no longer contains a question asking the medical professional if the applicants have the ability to understand the oath of allegiance. We support the elimination of this question, as the oath waiver has a separate statutory basis and purpose. The oath waiver should never have been included in the N-648, which was designed by regulation for the sole purpose of applying for a disability waiver of the English/civics requirement for naturalization.

The remainder of 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, with the exception of the elimination of the oath waiver question. 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 (10pages) of the current form (just over 4 pages.) which creates an undue burden on applicants and the medical professional who must complete the N-648. 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 substantial 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 2025² 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.³ However, the current revisions to the N-648 are not reflected in the Policy Manual but instead 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, 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 who are unable to proceed without this waiver with no path to naturalize.

If these revisions are adopted, this vulnerable population of applicants will be 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; mainly, 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 and, as a result, will not be able to access their right to U.S. citizenship.

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

The proposed changes to the form represent a significant change in policy through changes on an application form that do not have additional basis in any other statutory or regulatory authority. Further, the changes contradict USCIS' own policy manual guidance, creating an inconsistency that will overly burden applicants, legal service providers, and adjudicators alike. We detail our objections below.

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

² USCIS, *Policy Alert* (June 13, 2025) <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20250613-N-648MedicalCertification.pdf>.

³ 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>.

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,”⁴ 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 regularly 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.

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.⁵ 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.⁶ 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, nor controlling statutory or regulatory authority, for requiring the doctor to be the regularly treating physician, and this creates an arbitrary barrier to otherwise eligible applicants.

⁴ Proposed changes to N-648 Q. 8a-10 (2026).

⁵ 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> .

⁶ INA 312, 8 CFR 312.2(b)(2), 12 USCIS-PM E.3 do not contain the words or requirement of “regularly treating physician.”

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 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.⁷ Setting aside the question of whether a condition can be “cured,” 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.

Both the revisions to the N-648 form and its instructions demand that the certifying physician explain not only 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.⁸ 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.⁹

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, not one that keeps them from doing any activity in their daily life.

⁷ *Id.*

⁸ 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.

⁹ We note as well reports from the field that some individuals who filed an N-648 have been the subject of neighborhood investigations seemingly intended to root out fraud in the disability waiver context. This is an escalation of the questions concerning a person’s daily activities which, again, have no place in statute or regulation.

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 in regard to the sufficiency of telehealth appointments. 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. The need for these accommodations persists today and, as a result, availability of telehealth appointments is more common, allowing more people to seek out the care they need from medical professionals. 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.

II. 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 of the form 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:

“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;*

¹⁰ USCIS, Proposed N-648, Medical Certification of Disability Exception, p. 1 (2026).

¹¹ 12 USCIS-PM E.3.F.

- *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 changes that would also require that the physician be the regularly treating physician, that the applicant be examined in person, 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.

III. 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.¹³ 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.¹⁴ A more reasonable estimate of the burden would be at least twenty hours on applicants, and ten 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.

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 is in direct

¹² 12 USCIS-PM E.3.H.1.

¹³ DHS, USCIS, Agency Information Collection Activities; Revision of a Currently Approved Collection: Medical Certification for Disability Exceptions, 90 Fed. Reg. 166 (Aug. 29. 2025).

¹⁴ 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> .

contrast to the Paperwork Reduction Act. 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.¹⁵ The agency provided no such justification for doubling the length and burden this form will pose.

IV. Revisions to the USCIS Policy Manual in June 2025

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.¹⁶ We repeat our objections to those changes here.

V. Conclusion

For the above reasons we urge USCIS to withdraw these proposed revisions to the N-648 given that the changes will increase the burden for all parties involved and that the form creates a new adjudication standard, which is not contemplated in any other legal authority including the agency's own internal guidance. The only exception to the changes is the elimination of the oath of allegiance question, which should never have been included on the N-648 as they are separate statutory waivers with different purposes and guidance.

Submitted by,

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Immigrant Legal Resource Center

¹⁵ 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).

¹⁶ 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>