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To: avideh.moussavian@uscis.dhs.gov; policyfeedback@uscis.dhs.gov; and
uscisfeedback@uscis.dhs.gov

Dear USCIS,

Immigrant Legal Resource Center (ILRC) works with hundreds of non-profit immigration legal services organizations around the country who often file N-648 disability waivers for qualified naturalization applicants. In our role as a technical assistance provider to non-profit immigration legal services programs and immigration attorneys, we frequently provide advice and training to practitioners on all aspects of naturalization, including disability waivers of the language and civics requirements.

We are writing USCIS on the headquarters level about the need for more training on the policy changes that were made to disability waivers on October 19, 2022. The local program who reported these problems to us has exhausted avenues to resolve these problems at the local level. In our role as a technical assistance provider and advocate on the national level, they have asked us to present these problems to you and request further training in the field.

ILRC is a national non-profit organization that provides legal trainings, educational materials, and advocacy to advance immigrant rights. The ILRC also convenes the New Americans Campaign (NAC), a national nonpartisan 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 networks with service providers, immigration practitioners, and naturalization applicants, we have developed a profound understanding of the barriers faced by low-income individuals seeking to obtain immigration benefits and the barriers that affect applicants who require a disability waiver. We were very involved in national advocacy on the disability waiver of the language and civics requirement.¹

¹ See ILRC Advocacy Comment on the N-648 Naturalization Disability Waiver Form (Nov. 9, 2021) <https://www.ilrc.org/resources/advocacy-comment-n-648-naturalization-disability-waiver-form> ; ILRC Letter to USCIS on Recent Improvements to the Naturalization Disability Waiver (N-649) (Oct. 28, 2022) <https://www.ilrc.org/resources/ilrc-letter-uscis-recent-improvements-naturalization-disability-waiver-n-648>; ILRC Comments to USCIS on Policy Manual Changes to Naturalization Disability Waivers (Nov. 22, 2022) <https://www.ilrc.org/resources/ilrc-comments-uscis-policy-manual-changes-naturalization-disability-waivers>

We were very gratified to see the positive changes made to the Policy Manual and the N-648 on October 19, 2022 because the revisions help to ensure access to the waiver for applicants who satisfy the regulatory and statutory requirements.

We have solicited feedback from around the country about the impact of the new guidance. There have been many positive reports of improved access to the disability waiver after the changes. However, one program has reported to us about a USCIS office that has continued to have an overwhelmingly dismissive and disrespectful view of disability waivers that remains mired in superseded policies. The specific office is USCIS for Los Angeles County (LAC), 300 North Los Angeles Street, 6th Floor, Room 6024, Los Angeles, CA 90012 (not to be confused with Los Angeles city office, found on the 8th floor of the same building, which has a far different attitude to disability waivers).

The attorney reporting on her program's experience in LAC with disability waivers is Seda Norodom from Asian Americans Advancing Justice Southern California.²

Attorney Norodom serves mostly elderly, low-income Cambodians who first came to the United States as refugees or petitioned by refugees. Many of the disability waiver applicants suffer from Post Traumatic Stress Disorder (PTSD) and major depressive disorders due to wartime experiences in their home country, while others have dementia as the diagnosis on their N-648. Attorney Norodom is a Cambodian speaker who is able to communicate well with this population, and for more than six years she has been preparing naturalization applications for them. She files two to three disability waivers per month for these clients. She is limited in the number of waivers she can prepare due to the fact that the waiver is very labor intensive, requiring multiple meetings and coordination between clients, their families, social workers, and medical professionals to ensure that the N-648 is properly prepared.

Unfortunately, Attorney Norodom has found no effective change in the way disability waiver adjudications are handled at the LAC office despite the changes in the PM and N-648. The LAC office continues to have a very high rate of denial and a dismissive approach to N-648s despite applicants submitting carefully documented waivers from qualified medical professionals.

The experiences reported below are with disability waivers interviewed by USCIS after the October 19, 2022, changes to the policy guidance. Attorney Norodom's experience is that about 80% of applications are denied after the initial interview, and about 50% are denied after a second interview. Attorney Norodom reports that the supervisors in place in the LAC

² 1145 Wilshire Blvd., Los Angeles, CA 90017, T 213-241-8802 F 213-977-7595, snorodom@ajsocal.org; www.ajsocal.org.

office (including Supervisors Strubble, Jackson, and Carter) are responsible for the high denial rates and the disrespectful attitude of the office in general to disability waiver applicants. She has had less experience with Supervisor Trias but notes that even though she did not overturn a denial, she was very respectful and kind.

The interviewing officers at LAC USCIS are also very dismissive of N-648s, or state that their supervisor will not accept the waivers. As illustrated below, inappropriate statements to applicants are common as are negative statements at the inception of the naturalization interview.

- Attorney Norodom has been present as attorney when Supervisor Strubble has made statements to applicants such as, “What is with you older Asian immigrants? I see a lot of these elderly ones trying to shave ten years off their naturalization application by applying for these waivers – is it because you want to apply for benefits?” Attorney Norodom reports that Supervisor Strubble has made comments like this on more than one occasion.
- Supervisor Strubble also questioned the child of a disability waiver applicant who came to the interview as a translator asking, “What’s this waiver about? Are you forcing your parents to apply for citizenship?” This particular denial was the subject of a recent N-336 appeal for an improper denial. Attorney Norodom went to the N-336 hearing in May 2023, and it was treated as a third interview. In the same case, a third N-648 was also denied as insufficient because the officer stated it did not clearly explain the connection between disorder and inability to learn. The attorney asked for a supervisor as a matter of practice, but the usual response in this office is to reaffirm denials by officers.
- Another example of inappropriate comments made to applicants was from another officer in LAC, Officer Esquierdo, who told the disability waiver applicant that he (the officer) also has PTSD but he is able to learn.
- Attorney Norodom also reports that some LAC officers test applicants through the interpreter in civics in their own language, and if they know a few answers the officer will use it to deny the applicant. The attorney points out that many of these applicants have been through citizenship preparation courses and were able to memorize a few answers to citizenship questions, but English remains unlearnable due to their disability.
- Attorney Norodom has also observed that USCIS LAC officers now complain the form is too short so they can’t get enough information, and their reaction is to nitpick on questions to find bases for denial on general claims of “insufficiency.” She reports that they will find minor discrepancies such as different dates, or where a date is not included, or where there is no date of examination listed, or where the method of diagnosis is unclear.
- LAC officers also continue to ask about the applicants’ relationship with their doctors, such as how long the applicant has been seeing this doctor, and how often. Attorney

Norodom reports that one client was asked, “Why don’t you find a Cambodian doctor?” because the applicant had to use a translator to see the doctor that examined them.

Attorney Norodom notes that Cambodian-speaking doctors are very scarce.

- One LAC officer has told Attorney Norodom that only one out of 100 persons who claim PTSD or major depressive disorder will be accepted for N-648 waivers.

We bring these examples to your attention because they do not comply with the recent revisions made to the disability waiver guidance and we believe that further training in the field is needed, as well as instruction on the appropriate treatment of vulnerable populations. Further, we respectfully request more transparency regarding the training provided to officers and supervisors on the new disability waiver guidance.

As always, we appreciate your willingness to engage with stakeholders.

Sincerely,

Peggy Gleason
Senior Staff Attorney