

ATTACHMENT E

SUBJECT: Sample Language for § 312 Denials Including Results of N-648 Review

**ATTACHMENT TO N-335 WITH SAMPLE LANGUAGE
FOR RESULTS OF N-648 REVIEW**

Reference is made to your Application for Naturalization, Form N-400, which you filed on _____, pursuant to Section 316(a) (INSERT APPLICABLE SECTION OF LAW) of the Immigration and Nationality Act (INA).

(INSERT NORMAL CITATIONS, LANGUAGE, AND PARAGRAPHS FOR OTHER GROUNDS OF INELIGIBILITY)

Under section 312 of the Immigration and Nationality Act (INA), and Title 8 of the Code of Federal Regulations (CFR), Part 312, an applicant for naturalization must demonstrate knowledge and understanding of the English language and United States history and government. However, section 312(b) of the INA provides that the English and civics requirements “shall not apply to any person who is unable because of physical or developmental disability or mental impairment to comply therewith.” To qualify for an exception under section 312(b), an applicant must establish that he or she has a “medically determinable” physical or developmental disability or mental impairment. “Medically determinable” means that the disability or impairment, or combination thereof “results from anatomical, physiological, or psychological abnormalities which can be shown by medically acceptable clinical or laboratory diagnostic techniques to have resulted in functioning so impaired as to render an individual unable to demonstrate an understanding” of English and/or U.S. history and government.

Example # 1 – Original N-648 Insufficient; No Subsequent N-648 Submitted

The record reflects that you submitted a Form N-648, Medical Certification for Disability Exception on _____ (INSERT DATE). On _____, (INSERT DATE) the adjudicating officer reviewed your N-648 and determined that the information contained therein was insufficient to establish that you were eligible for an exception from the section 312 requirements. Specifically, the adjudicating officer noted that _____ (INSERT REASONS BASED ON SAMPLE LANGUAGE BELOW OR PROVIDE SIMILARLY DETAILED EXPLANATIONS FOR AS MANY DEFICIENCIES AS WERE NOTED:

- (1) “the N-648 did not reflect the date of your last examination”,
- (2) “the N-648 did not contain a description of the certifying doctor’s medical specialty or experience and other qualifications in Part II, Question 3 or 6, which permits him or her to make an assessment of your stated diagnosis/disability”,
- (3) “the N-648 did not contain the certifying doctor’s license number and licensing state”,

- (4) “the N-648 did not contain an explanation of how the applicant’s [insert diagnoses] specifically prevented the applicant from learning or demonstrating knowledge of English and/or civics.”)

On _____, the adjudicating officer requested, as an attachment to Form N-14, that you submit by _____ (INSERT DATE) an amended or second N-648 correcting the noted deficiencies. You failed to respond within the time period noted. Your N-648, therefore, was rejected as insufficient and you were deemed ineligible for an exception from the section 312 requirements based on the section 312(b) disability exception.

On _____ and _____ (INSERT DATES) you were tested on your knowledge of English and U.S. history and government. You failed to pass these tests. As a result, you have failed to meet the requirements of Section 312 and are ineligible for naturalization.

Example # 2 - Original N-648 Insufficient; Subsequent N-648 Also Insufficient

The record reflects that you submitted a Form N-648, Medical Certification for Disability Exception on _____ (INSERT DATE). On _____, (INSERT DATE) the adjudicating officer reviewed your N-648 and determined that the information contained therein was insufficient to establish that you were eligible for an exception from the section 312 requirements. Specifically, the adjudicating officer noted that _____ (INSERT REASONS BASED ON SAMPLE LANGUAGE BELOW OR PROVIDE SIMILARLY DETAILED EXPLANATIONS FOR AS MANY DEFICIENCIES AS WERE NOTED:

- (1) “the N-648 did not reflect the date of your last examination”,
- (2) “the N-648 did not contain a description of the certifying doctor’s medical specialty or experience and other qualifications in Part II, Question 3 or 6, which permits him or her to make an assessment of your stated diagnosis/disability”
- (3) “the N-648 did not contain the certifying doctor’s license number and licensing state”,
- (4) “the N-648 did not contain an explanation of how the applicant’s [insert diagnoses] specifically affects the applicant and how it prevents [him/her] from learning or demonstrating knowledge of English and/or civics.”)

On _____, (INSERT DATE) the adjudicating officer requested, as an attachment to Form N-14, that you submit by _____ (INSERT DATE) an amended or second N-648 correcting the noted deficiencies. On _____ (INSERT DATE), you submitted an amended N-648. On _____ (INSERT DATE), the adjudicating officer again reviewed the N-648 and determined that the information contained therein was still insufficient to establish that you were eligible for a disability exception. Specifically,

_____ (INSERT REASONS BASED ON SAMPLE LANGUAGE BELOW OR PROVIDE SIMILARLY DETAILED EXPLANATIONS FOR AS MANY DEFICIENCIES AS WERE NOTED:

- (1) “the N-648 still did not contain the requested date of your last examination”,
- (2) “the N-648 still did not contain the requested description of the certifying doctor’s medical specialty or experience and other qualifications in Part II, Question 3 or 6, which permits him or her to make an assessment of your stated diagnosis/disability”,
- (3) “the N-648 still did not contain the requested license number and licensing state”,
- (4) “the certifying doctor now states that _____ (DESCRIBE DOCTOR’S REVISED RESPONSE, FOR EXAMPLE: some patients who have dementia can sometimes exhibit various symptoms including impaired motor skills, affected speech, and memory loss. The certifying doctor further states that some patients with hypertension can exhibit confusion and poor eyesight). (DESCRIBE REMAINING DEFICIENCY. FOR EXAMPLE: None of these descriptions, however, specifically address whether you actually have experienced these symptoms and, if so, whether these symptoms currently impair your ability to learn and/or demonstrate knowledge of the English language and civics)”,
- (5) “you submitted a photocopy of the N-648 previously submitted”,
- (6) “the certifying doctor again states that _____ (DESCRIBE DOCTOR’S RESPONSE. FOR EXAMPLE: because of your stroke you are unable to take the English and civics tests.) However, the certifying doctor _____ (DESCRIBE REMAINING DEFICIENCY. FOR EXAMPLE: does not thoroughly explain how your stroke affects your functioning and your ability to learn and/or demonstrate English and civics.”))

Your N-648, therefore, was rejected as insufficient and you were deemed ineligible for an exception from the section 312 requirements based on the section 312(b) disability exception.

On _____ and _____ (INSERT DATES) you were tested on your knowledge of English and U.S. History and Government. You failed to pass these examinations. As a result, you have failed to meet the requirements of Section 312 and are ineligible for naturalization.