

## **PART E – ENGLISH AND CIVICS TESTING AND EXCEPTIONS**

### **Chapter 1: Purpose and Background**

#### **A. Purpose**

In general, a naturalization applicant must demonstrate an understanding of the English language, including an ability to read, write, and speak words in ordinary usage. An applicant must also demonstrate a knowledge and understanding of the fundamentals of the history and principles and form of government of the United States (civics). These are the English and civics requirements for naturalization.<sup>1</sup>

#### **B. Background**

Prior to 1906, an applicant was not required to know English, history, civics, or understand the principles of the constitution to naturalize. If the court determined the applicant was a “thoroughly law-abiding and industrious man, of good moral character,” the applicant became a U.S. citizen.<sup>2</sup> As far back as 1908, the former Immigration Service and the Courts determined that a person could not establish the naturalization requirement of showing an attachment to the Constitution unless he or she had some understanding of its provisions.<sup>3</sup>

In 1940, Congress made amendments to include an English language requirement and certain exemptions based on age and residence, as well as a provision for questioning applicants on their understanding of the principles of the Constitution.<sup>4</sup> In 1994, Congress enacted legislation providing an exception to the naturalization educational requirements for applicants who cannot meet the requirements because of a medical disability. Congress also amended the exceptions to the English requirement based on age and residence that are current today.<sup>5</sup>

On October 1, 2008, USCIS implemented a redesigned English and civics test. With this redesigned test, USCIS ensures that all applicants have the same testing experience and have an equal opportunity to demonstrate their understanding of English and civics.

#### **C. Legal Authorities**

- [INA 312](#); [8 CFR 312](#) – Educational requirements for naturalization
- [INA 316](#); [8 CFR 316](#) – General requirements for naturalization

### **Chapter 2: English and Civics Testing**

#### **A. Educational Requirements**

---

<sup>1</sup> See [INA 312](#). See [8 CFR 312](#).

<sup>2</sup> See *In re Rodriguez*, 81 F. 337 (W.D. Tex. 1897).

<sup>3</sup> See *In re Meakins*, 164 F. 334 (1908). See *In re Vasicek*, 271 F. 326 (1921).

<sup>4</sup> See the Nationality Act of 1940, Pub. L. 76-853, 54 Stat. 1137.

<sup>5</sup> See the Immigration and Nationality Technical Corrections Act of 1994, Pub. L. 103-416 (October 25, 1994).

An officer administers a naturalization test to determine whether an applicant meets the English and civics requirements.

The naturalization test consists of two components:

- English language proficiency, which is determined by the applicant’s ability to read, write, speak and understand English; and
- Knowledge of U.S. history and government, which is determined by a civics test.

An applicant has two opportunities to pass the English and civics tests: the initial examination and the re-examination interview. USCIS will deny the naturalization application if the applicant fails to pass any portion of the tests after two attempts. In cases where an applicant requests a USCIS hearing on the denial, officers must administer any failed portion of the tests.<sup>6</sup>

Unless excused by USCIS, the applicant’s failure to appear at the re-examination for testing or to take the tests at an examination or hearing counts as a failed attempt to pass the test.

**B. Exceptions**

An applicant may qualify for an exception from the English requirement, civics requirement, or both requirements. The table below serves as a quick reference guide on the exceptions to the English and civics requirements for naturalization.

<b>Exceptions to English and Civics Requirements for Naturalization</b>		
<b>Exceptions</b> <a href="#"><i>INA 312(b)</i></a>	<b>Educational Requirements</b>	
	<b><i>English</i></b> Read, write, speak and understand	<b><i>Civics</i></b> Knowledge of U.S. history and government
<b>Age 50 or older and resided in U.S. as an LPR for at least 20 years at time of filing</b>	Exempt	Still required. Applicants may take civics test in their language of choice using an interpreter.
<b>Age 55 or older and resided in U.S. as an LPR for at least 15 years at time of filing</b>	Exempt	
<b>Age 65 or older and resided in U.S. as an LPR for at least 20 years at</b>	Exempt	Still required but officers administer specially

<sup>6</sup> Only one opportunity to pass the failed portion of the tests is provided at the hearing. See [Part B, Naturalization Examination, Chapter 6, USCIS Hearing and Judicial Review, Section B, Review of Timely Filed Hearing Request](#).

<b>Exceptions to English and Civics Requirements for Naturalization</b>		
<b>Exceptions</b> <a href="#">INA 312(b)</a>	<b>Educational Requirements</b>	
	<b>English</b> Read, write, speak and understand	<b>Civics</b> Knowledge of U.S. history and government
<b>time of filing</b>		designated test forms. Applicants may take the civics test in their language of choice using an interpreter.
<b>Medical Disability Exception</b> <a href="#">(Form N-648)</a>	May be exempt from English, civics, or both	

1. Age and Residency Exceptions to English

An applicant is exempt from the English language requirement but is still required to meet the civics requirement if:

- The applicant is age 50 or older at the time of filing for naturalization and has lived as an LPR in the United States for at least 20 years; or
- The applicant is age 55 or older at the time of filing for naturalization and has lived as an LPR in the United States for at least 15 years.

The applicant may take the civics test in his or her language of choice with the use of an interpreter.

2. Special Consideration for Civics Test

An applicant receives special consideration in the civics test if, at the time of filing the application, the applicant is 65 years of age or older and has been living in the United States for periods totaling at least 20 years subsequent to a lawful admission for permanent residence.<sup>7</sup> An applicant who qualifies for special consideration is administered specific test forms.

3. Medical Disability Exception to English and Civics

An applicant who cannot meet the English and civics requirements because of a medical disability may be exempt from the English requirement, the civics requirement, or both requirements.

---

<sup>7</sup> See [INA 312\(b\)\(3\)](#).

### C. Meeting Requirements under IRCA 1986

The Immigration Reform and Control Act of 1986 (IRCA) mandated that persons legalized under [INA 245A](#) meet a basic citizenship skills requirement in order to be eligible for adjustment to LPR status. An applicant was permitted to demonstrate basic citizenship skills by:

- Passing the English and civics tests administered by legacy Immigration and Naturalization Service (INS); or
- Passing standardized English and civics tests administered by organizations then authorized by the INS.<sup>8</sup>

At the time of the naturalization re-examination, the officer will only retest the applicant on any portion of the test that the applicant did not satisfy under IRCA. In all cases, the applicant must demonstrate the ability to speak English at the time of the naturalization examination, unless the applicant meets one of the age and time as resident exemptions of English or qualifies for a medical waiver.<sup>9</sup>

### D. English Portion of the Test

A naturalization applicant must only demonstrate an ability to read, write, speak, and understand words in ordinary usage.<sup>10</sup> Ordinary usage means comprehensible and pertinent communication through simple vocabulary and grammar, which may include noticeable errors in pronouncing, constructing, spelling, and understanding completely certain words, phrases, and sentences.

An applicant may ask for words to be repeated or rephrased and may make some errors in pronunciation, spelling, and grammar and still meet the English requirement for naturalization. An officer should repeat and rephrase questions until the officer is satisfied that the applicant either fully understands the question or is unable to understand English.<sup>11</sup>

#### 1. Speaking Test

An officer determines an applicant's ability to speak and understand English based on the applicant's ability to respond to questions normally asked in the course of the naturalization examination. The officer's questions relate to eligibility and include questions provided in the naturalization application.<sup>12</sup> The officer should repeat and rephrase questions during the naturalization examination until the officer is satisfied that the applicant either understands the questions or does not understand English.

---

<sup>8</sup> The INS Standardized Citizenship Testing Program was conducted by five non-government companies on behalf of the INS. That program was established in 1991 and ended on August 30, 1998. See 63 FR 25080 (May 6, 1998).

<sup>9</sup> See [INA 245A\(b\)\(1\)\(D\)\(iii\)](#). See [8 CFR 312.3](#).

<sup>10</sup> See [INA 312](#). See [8 CFR 312](#).

<sup>11</sup> See [8 CFR 335.2\(c\)](#).

<sup>12</sup> See [8 CFR 312.1\(c\)\(1\)](#).

An applicant who does not qualify for a waiver of the English requirement must be able to communicate in English about his or her application and eligibility for naturalization. An applicant does not need to understand every word or phrase on the application.

#### *Passing the Speaking Test*

If the applicant generally understands and responds meaningfully to questions relevant to his or her naturalization eligibility, then he or she has sufficiently demonstrated the ability to speak English.

#### *Failing the Speaking Test*

An applicant fails the speaking test when he or she does not understand sufficient English to be placed under oath or to answer the eligibility questions on his or her naturalization application.

The officer must still administer all other parts of the naturalization test, including the portions on reading, writing, and civics.

An officer cannot offer or accept a withdrawal of a naturalization application from an applicant who does not speak English unless the applicant has an interpreter present who is able to clearly understand the consequences of withdrawing the application.<sup>13</sup>

## 2. Reading Test

To sufficiently demonstrate the ability to read in English, applicants must read one sentence out of three sentences. The reading test is administered by the officer using standardized reading test forms. Once the applicant reads one of the three sentences correctly, the officer stops the reading test.

#### *Passing the Reading Test*

An applicant passes the reading test if the applicant reads one of the three sentences without extended pauses in a manner that the applicant is able to convey the meaning of the sentence and the officer is able to understand the sentence. In general, the applicant must read all content words but may omit short words or make pronunciation or intonation errors that do not interfere with the meaning.

#### *Failing the Reading Test*

An applicant fails the reading test if he or she does not successfully read at least one of the three sentences. An applicant fails to read a sentence successfully when he or she:

- Omits a content word or substitutes another word for a content word;
- Pauses for extended periods of time while reading the sentence; or
- Makes pronunciation or intonation errors to the extent that the applicant is not able to convey the meaning of the sentence and the officer is not able to understand the sentence.

---

<sup>13</sup> See [Part B, Naturalization Examination, Chapter 4, Results of the Naturalization Examination, Section D, Administrative Closure, Lack of Prosecution, Withdrawal, and Holding in Abeyance](#).

### 3. Writing Test

To sufficiently demonstrate the ability to write in English, the applicant must write one sentence out of three sentences in a manner that the officer understands. The officer dictates the sentence to the applicant using standardized writing test forms. An applicant must not abbreviate any of the words. Once the applicant writes one of the three sentences in a manner that the officer understands, the officer stops the writing test.

An applicant does not fail the writing test because of spelling, capitalization, or punctuation errors, unless the errors interfere with the meaning of the sentence and the officer is unable to understand the sentence.

#### *Passing the Writing Test*

The applicant passes the writing test if the applicant is able to convey the meaning of one of the three sentences to the officer. The applicant's writing sample may have the following:

- Some grammatical, spelling, or capitalization errors
- Omitted short words that do not interfere with meaning
- Numbers spelled out or written as digits

#### *Failing the Writing Test*

An applicant fails the writing test if he or she makes errors to a degree that the applicant does not convey the meaning of the sentence and the officer is not able to understand the sentence.

An applicant fails the writing test if he or she writes the following:

- A different sentence or words;
- An abbreviation for a dictated word;<sup>14</sup>
- Nothing or only one or two isolated words; or
- A sentence that is completely illegible.

## **E. Civics Portion of the Test**

A naturalization applicant must demonstrate a knowledge and understanding of the fundamentals of the history, the principles, and the form of government of the United States (civics).<sup>15</sup>

### 1. Civics Test

---

<sup>14</sup> An abbreviation for a dictated word may be accepted if the officer has approved the abbreviation.

<sup>15</sup> See [8 CFR 312.2](#).

## USCIS Policy Manual - Volume 12 - Part E

To sufficiently demonstrate knowledge of civics, the applicant must answer correctly at least six of ten questions from the standardized civics test form administered by an officer. The officer administers the test orally.<sup>16</sup> Once the applicant answers six of the ten questions correctly, the officer stops the test.

### *Passing the Civics Test*

An applicant passes the civics test if he or she provides a correct answer or provides an alternative phrasing of the correct answer for six of the ten questions.

### *Failing the Civics Test*

An applicant fails the civics test if he or she provides an incorrect answer or fails to respond to six out of the ten questions from the standardized test form.

## 2. Special Consideration

An officer gives special consideration to an applicant who is 65 years of age or older and who has been living in the United States for periods totaling at least 20 years subsequent to a lawful admission for permanent residence.<sup>17</sup> The age and time requirements must be met at the time of filing the naturalization application. An officer only asks questions from the three “65/20” test forms when administering the civics test to such applicants. The test forms only contain 20 specially designated civics questions from the usual list of 100 questions.

## 3. Due Consideration

An officer should exercise “due consideration” on a case-by-case basis in choosing subject matters, phrasing questions, and evaluating responses when administering the civics test. The officer’s decision to exercise due consideration should be based on a review of the applicant’s:

- Age;
- Background;
- Level of education;
- Length of residence in the United States;
- Opportunities available and efforts made to acquire the requisite knowledge; and
- Any other relevant factors relating to the applicant’s knowledge and understanding.<sup>18</sup>

## **F. Failure to Meet the English or Civics Requirements**

---

<sup>16</sup> See [8 CFR 312.2\(c\)\(1\)](#).

<sup>17</sup> See [INA 312\(b\)\(3\)](#).

<sup>18</sup> See [8 CFR 312.2\(c\)\(2\)](#).

## USCIS Policy Manual - Volume 12 - Part E

If an applicant fails any portion of the English test, the civics test, or all tests during the initial naturalization examination, USCIS will reschedule the applicant to appear for a second examination between 60 and 90 days after the initial examination.<sup>19</sup>

In cases where the applicant appears for a re-examination, the reexamining officer must not administer the same English or civics test forms administered during the initial examination. The officer must only retest the applicant in those areas that the applicant previously failed. For example, if the applicant passed the English speaking, reading, and civics portions but failed the writing portion during the initial examination, the officer must only administer the English writing test during the re-examination.<sup>20</sup>

If an applicant fails any portion of the naturalization test a second time, the officer must deny the application based upon the applicant's failure to meet the educational requirements for naturalization. The officer also must address any other areas of ineligibility in the denial notice. An applicant who refuses to be tested or to respond to individual questions on the reading, writing, or civics test, or fails to respond to eligibility questions because he or she did not understand the questions as asked or rephrased, fails to meet the educational requirements. An officer should treat an applicant's refusal to be tested or to respond to test questions as a failure of the test.<sup>21</sup>

### G. Documenting Test Results

All officers administering the English and civics tests are required to record the test results in the applicant's A-file. Officers are required to complete and provide to each applicant at the end of the naturalization examination the results of the examination and testing, unless the officer serves the applicant with a denial notice at that time.<sup>22</sup> The results include the results of the English and civics tests.

## Chapter 3: Medical Disability Exception ([Form N-648](#))

### A. Medical Exception Requirements

In 1994, Congress enacted legislation providing an exception to the naturalization educational requirements for applicants who cannot meet the educational requirements because of a physical or developmental disability or mental impairment.<sup>23</sup>

The English and civics requirements do not apply to naturalization applicants who are unable to comply due to a "medically determinable" physical or developmental disability or mental impairment that has lasted, or is expected to last, at least 12 months. The regulations define "medically determinable" as a determination made by acceptable clinical or laboratory techniques.<sup>24</sup>

---

<sup>19</sup> See [8 CFR 335.3\(b\)](#) (Re-exam no earlier than 60 days from initial examination). See [8 CFR 312.5\(a\)](#) (Re-examination no later than 90 days from initial examination).

<sup>20</sup> See [8 CFR 312.5](#).

<sup>21</sup> See [8 CFR 312.5\(b\)](#).

<sup>22</sup> Officers must use the Naturalization Interview Results (Form N-652).

<sup>23</sup> See Immigration and Nationality Technical Corrections Act of 1994, Pub. L. 103-416 (October 25, 1994). See [INA 312\(b\)](#). The "55/15" and "50/20" exceptions, as well as the "65/20" special consideration provisions were also added by the same legislation.

<sup>24</sup> See [INA 312\(b\)](#). See [8 CFR 312.1\(b\)\(3\)](#) and [8 CFR 312.2\(b\)](#).



The applicant must demonstrate a disability or impairment that affects the functioning of the individual such that, even with reasonable accommodations, he or she is unable to demonstrate the educational requirements for naturalization. Illiteracy alone is not a valid reason to seek an exception to the educational requirements. In addition, advanced age, in and of itself, is not a medically determinable physical or developmental disability or mental impairment.

An applicant seeking an exception to the educational requirements submits a Medical Certification for Disability Exceptions ([Form N-648](#)) as an attachment to the naturalization application.<sup>25</sup> A licensed medical professional must complete the form. The medical professional must certify that the applicant's medical condition prevents the applicant from meeting the English requirement, the civics requirement, or both requirements.

USCIS recognizes that certain circumstances may prevent concurrent filing of the naturalization application and the disability exception form. Accordingly, an applicant may file the disability exception form during any part of the naturalization process, including after the application is filed but before the first examination, during the first examination, during the re-examination if the applicant's first examination was rescheduled, and during the rehearing on a denied naturalization application.

## **B. Medical Exception Versus Accommodation**

Requesting an exception to the English and civics requirements is different from requesting an accommodation to the naturalization examination process.<sup>26</sup> An exception to the English and civics requirements exempts the applicant from the educational requirements completely. An accommodation, on the other hand, simply modifies the manner in which an applicant meets the educational requirements; it does not exempt the applicant from the educational requirements.

Reasonable accommodations include, but are not limited to, sign language interpreters, extended time for testing, and off-site testing. A disability exception requires an applicant to show that his or her medical condition prevents him or her from complying with the English and civics requirements even with reasonable accommodations.

## **C. Authorized Medical Professionals**

USCIS only authorizes the following licensed medical professionals to certify the disability exception form:

- Medical doctors;
- Doctors of osteopathy; and
- Clinical psychologists.<sup>27</sup>

---

<sup>25</sup> See [8 CFR 312.2\(b\)\(2\)](#). The first edition of [Form N-648](#) was made available to the public as an attachment to the final rule. See [62 FR 12915-12928](#) (March 19, 1997). See 74 Interpreter Releases 512-15 (March 24, 1997).

<sup>26</sup> See [Part C, Accommodations](#).

<sup>27</sup> See [8 CFR 312.2\(b\)\(2\)](#).

These medical professionals must be licensed to practice in any state of the United States, Washington, D.C., Guam, Puerto Rico, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands.<sup>28</sup>

The medical professional must:

- Conduct an in-person examination of the applicant;
- Explain the nature and extent of the medical condition on [Form N-648](#);
- Explain how the medical condition relates to the applicant’s inability to comply with the English and civics requirements;
- Attest that the medical condition has lasted or is expected to last at least 12 months; and
- Attest that the cause of the medical condition is not related to the illegal use of drugs.

The medical professional must complete the disability exception form using common terminology that a person without medical training can understand. While staff associated with the medical professional may assist in completing the form, the medical professional alone is responsible for verifying the accuracy of the form’s content. The medical professional certifying the form may attach supporting documents, such as medical diagnostic reports and records. The attachments must not replace written responses to each question or item on the form.

#### D. Guidelines for Officer’s Review

##### 1. General Guidelines for Review

An officer must review the disability exception form to determine whether the applicant is eligible for the exception. The officer may reach one of the following outcomes after his or her review:

- The form sufficiently establishes that the applicant is eligible for the exception; or
- The form is insufficient in establishing that the applicant is eligible for the exception.

The tables below provide general guidelines on what an officer should and should not do when reviewing a disability exception form.

<b>General Guidelines for Officer’s Review of Form N-648</b>
<b>When reviewing the form, an officer SHOULD:</b>
Determine whether the form has been properly completed, certified, and signed (the medical professional must have certified the form within six months of its submission). Once certified, the form is valid for the duration of the application.

<sup>28</sup> Initially, the corresponding Notice of Proposed Rulemaking (NPRM) issued by legacy INS to address this legislation proposed that all exception eligibility determinations be based on individual assessments by civil surgeons or qualified individuals or entities designated by the Attorney General. The proposed rule suggested that the civil surgeon (or “authorized entity”) provide their assessment in a one-page document. The assessment would attest to the origin, nature, and extent of the applicant's medical condition. INS removed the requirement for a civil surgeon determination in the final rule. See NPRM at 61 FR 44227-44230 (August 28, 1996).

<b>General Guidelines for Officer’s Review of Form N-648</b>
Ensure that the form relates to the applicant and that there are no discrepancies between the form and other information, including biographic data, testimony during the interview, or information contained in the applicant’s A-file
Determine whether the form fully addresses the underlying medical condition and its causal connection with the applicant’s inability to comply with the requirements
Determine whether the form contains sufficient information to establish that the applicant is eligible for the exception by a preponderance of the evidence (“more likely than not”)
<b>When reviewing the form, an officer SHOULD NOT:</b>
Assume responsibility or authority to determine the validity of the medical diagnosis or opinion on the applicant’s ability to comply with the English and civics requirements
Refer an applicant to another medical professional solely because the applicant sought care from a professional who shares the same language, culture, ethnicity, or nationality
Conclude that the applicant does not have the medical condition because it was not previously recorded in other immigration related medical examinations or documents
Question an applicant about the applicant’s ability to complete a certain activity if the form does not discuss that particular activity
Require that an applicant complete specific medical, clinical, or laboratory diagnostic techniques, tests, or methods
Develop and substitute his or her own diagnosis of the applicant’s medical condition in lieu of the medical professional’s diagnosis
Use questionnaires or tests to challenge each applicant’s diagnosed medical condition
Question the applicant about his or her medical care, job duties, community and civic affairs, or daily living activities unless facts in the form or during the examination directly contradict facts in the A-file
Request to see an applicant’s medical records or prescription medication solely to question whether there was a proper basis for the medical professional’s diagnosis
Infer that the applicant is able to comply with all portions of the English and civics requirements in cases where an applicant only seeks an exception from certain portions

2. Review for Completeness of Form

An officer must verify that the submitted disability exception form is complete. The officer should verify that the medical professional has answered all of the required questions and has certified the form along with the applicant. If a question has not been answered completely or the medical professional or applicant does not

sign the form, the officer must proceed with the examination in English as if the applicant had not submitted the form. The officer provides the applicant with an opportunity to take each portion of the English and civics test.

A complete form<sup>29</sup> must contain all of the information requested on the form, to include the information listed in the table below.

<b>Properly Completed Form N-648</b>
<b>All forms must contain the information requested on the form, to include:</b>
Clinical diagnosis of the applicant’s medical condition and its DSM code (if applicable)
Description of the medical condition forming the basis for the disability exception
Date the medical professional examined the applicant
Description of the doctor-patient relationship indicating whether the medical professional regularly treats the applicant for the cited conditions or an explanation of why he or she is certifying the disability form instead of the regularly treating medical professional
Statement that the medical condition has lasted, or is expected to last, at least 12 months
Statement whether the medical condition is the result of the illegal use of drugs
Explanation of what caused the medical condition, if known
Description of the clinical methods used to diagnose the medical condition
Description of the medical condition’s effect on the applicant’s ability to successfully complete the educational requirements for naturalization
Statement whether the medical professional used an interpreter to examine the applicant

The medical professional is not required to address the severity of the effects of the medical condition on the applicant’s daily life.

### 3. Medical Examination and Nexus

In reviewing the request for the medical exception, the officer must focus on whether the medical professional has explained that the applicant has a disability or impairment and that there is a nexus (causal connection) between the disability or the impairment and the applicant’s inability to demonstrate the educational requirements for naturalization. The medical professional must specifically explain how the applicant's disability or impairment prohibits the applicant from being unable to demonstrate the educational requirements.

<sup>29</sup> See Medical Certification for Disability Exceptions ([Form N-648](#)).

#### 4. Missing Interpreter Certification

There may be instances where the interpreter certification on the disability exception form may not have been completed. In this instance, the officer should ask the applicant whether the medical professional used an interpreter during the medical examination that formed the basis of the medical exception form.

- The officer should not draw a negative inference if the medical professional did not use an interpreter if he or she examined the applicant in the applicant's native language.
- The officer may question the applicant about the applicant's visits with the medical professional and the nature of their relationship if the interpreter certification is not complete and the medical professional did not conduct the examination in the applicant's native language.
- The officer should question the applicant under oath in the applicant's language of choice with use of an interpreter to address the issues of concern related to the medical exception form.

#### 5. Requesting a Supplemental Disability Determination

In general, an officer should not request a supplemental disability determination and should evaluate the original form on its own merits. If an officer questions the veracity of the information on the disability exception form, the officer should exercise caution when requesting an applicant to obtain a supplemental disability determination from another authorized medical professional.<sup>30</sup> The officer must:

- Explain the reasons for doubting the veracity of the information on the original disability exception form;
- Consult with his or her supervisor and receive approval before requesting the applicant to undergo a supplemental disability determination; and
- Provide the applicant with the relevant state medical board contact information to facilitate the applicant's ability to find another medical professional.

#### **E. Establishing Eligibility for the Exception**

An officer determines a request for a medical exception is sufficient if:

- The medical exception form is properly completed; and
- The medical professional explains how the applicant's medical condition prohibits the applicant from meeting the English requirement, the civics requirement, or both requirements.

---

<sup>30</sup> See [8 CFR 312.2\(b\)\(2\)](#).

The table below provides the general procedures for cases where an applicant qualifies for a disability exception. The procedures apply to any phase of the naturalization examination, to include the initial or re-examination, or hearing on a denial.

<b>General Procedures if Form N-648 Establishes Eligibility</b>
<b>If form is deemed sufficient at any naturalization examination or hearing:</b>
The officer must proceed with the interview without administering the test, in the applicant's language of choice with the use of an interpreter, if the medical professional indicated on the form that the applicant was unable to comply with any of the educational requirements.
The officer must administer the tests for the other requirements, if the medical professional indicated on the form that the applicant was unable to comply with only some of the educational requirements. If the medical professional indicated that the applicant was unable to comply with the English speaking requirement, the interview can proceed in the applicant's language of choice with the use of an interpreter.
The officer must determine whether the applicant meets the rest of the applicable naturalization requirements and make a decision on the naturalization application.

#### **F. Failing to Establish Eligibility for the Exception**

An officer determines that a request for a medical exception is insufficient if:

- The [N-648](#) form is not properly completed;
- The medical professional fails to explain how the applicant's medical condition prohibits the applicant from meeting the English requirement, the civics requirement, or both requirements; or
- The officer finds that the applicant listed on the form was not examined by the certifying medical professional or is not the same person as the naturalization applicant.

The table below provides the general procedures for cases where an applicant is ineligible for the disability exception. The procedures apply to any phase of the naturalization examination, to include the initial or re-examination or hearing on a denial.

<b>General Procedures if Form N-648 Fails to Establish Eligibility</b>
<b>If form is deemed insufficient at any naturalization examination or hearing:</b>
The officer must proceed with the initial or re-examination, or hearing, in English as if the applicant had not submitted a disability exception form.

### General Procedures if Form N-648 Fails to Establish Eligibility

The officer must provide the applicant with an opportunity to take all portions of the English and civics testing.

#### 1. Insufficient Request for Medical Exception at Initial Interview

##### *Passing the English and Civics Tests*

If an applicant fails to qualify for a disability exception but subsequently meets the English and civics requirements in the same examination:

- The officer should proceed with the naturalization examination to determine whether the applicant meets the rest of the applicable eligibility requirements for naturalization.
- The officer should not determine that the applicant engaged in fraud or lacks good moral character (GMC) for the sole reason that the applicant met the English and civics requirements after submitting a disability exception form.
- The officer may question the applicant further, however, on the reasons for submitting the form and the applicant's relationship to the medical professional.

##### *Failing the English and Civics Tests*

If an applicant fails to qualify for the disability exception and fails to meet the English and civics requirements:

- The officer must issue the applicant a request for evidence addressing the issues with the medical disability exception form.<sup>31</sup>
- The USCIS office must reschedule the applicant to appear for a re-examination, to include a second opportunity to meet the English and civics requirements, between 60 and 90 days after the initial examination.

#### 2. Insufficient Request for Medical Exception at Re-examination

If an officer determined that an applicant's disability exception form was insufficient at the initial examination, the officer should have issued a request for evidence addressing the deficiencies of the form. An officer conducting the re-examination should review the evidence submitted in response to the request for evidence issued at the initial examination.

---

<sup>31</sup> The officer should issue a request for evidence on Form N-14.

The reexamining officer may review an applicant's disability exception form for the first time if the applicant is submitting the form for the first time at the re-examination.

If an applicant submits a medical exception form for the first time during the re-examination, the officer determines if the form is sufficient or insufficient. If the officer determines that the form is sufficient to establish eligibility for the disability exception, the officer must proceed with the naturalization examination with the use of an interpreter, exempting the applicant from the educational requirements.

If the officer determines that the form is insufficient, the officer must afford the applicant a second opportunity to take the English and civics tests. If the applicant fails any portion of the test or refuses to respond to test questions during the re-examination, the officer must deny the naturalization application based on the applicant's failure to meet the educational requirements for naturalization. In the denial notice, the officer must provide a detailed explanation for finding the medical exception form insufficient.

If an officer determines that the evidence submitted in response to the request for evidence is insufficient:

- The officer must proceed with the re-examination in English as if the applicant had not submitted a disability exception form.
- The officer must provide the applicant with a second opportunity to take any portion of the English and civics tests that the applicant previously failed.
- The officer must not provide the applicant a third opportunity to submit a disability exception form or to take the English and civics tests.
- If the applicant fails any portion of the testing, to include a refusal to be tested or to respond, the officer must deny the naturalization application based on the applicant's failure to meet the educational requirements for naturalization.
- The officer must provide a detailed explanation of the disability exception form's deficiencies in the naturalization application denial notice.

### 3. Insufficient Request for Medical Exception at Hearing on Denial

An officer may conduct a full *de novo* hearing on a denied naturalization application, including review of a previously submitted disability exception form during the hearing on the naturalization denial.<sup>32</sup> An applicant may submit additional documentation for review at the hearing, to include a new disability exception form.

If the applicant submits a new or initial form at the hearing, the hearing officer determines whether the form is sufficient for the medical exception. If the form is insufficient, the officer should retest the applicant on any portion of the English and civics tests previously failed by the applicant.<sup>33</sup>

---

<sup>32</sup> See [8 CFR 336.2](#).



#### 4. Discrepancies and Misrepresentation

Some cases may present questions about whether the certifying medical professional actually examined the applicant. An officer should find a disability exception form insufficient if the officer identifies any discrepancies or misrepresentations indicating:

- The applicant on the form was not examined by the certifying medical professional; or
- The applicant on the form is not the same person as the naturalization applicant.

#### **G. Fraud Referrals**

There may be cases where an officer suspects or determines that an applicant or medical professional has committed fraud in the process of seeking a medical disability exception. The officer should consult with his or her supervisor to determine whether to refer such a case to Fraud Detection and National Security (FDNS).

If an officer or the local FDNS office determines that an applicant or medical professional has committed fraud, the officer must explain the findings of fraud in the denial notice.

---

<sup>33</sup> See [Part B, Naturalization Examination, Chapter 6, USCIS Hearing and Judicial Review, Section B, Review of Timely Filed Hearing Request](#).