

Many refugees, including those who have been through extreme torture, violence, and gender-based violence, have serious mental health and medical problems that have impaired their ability to remember and retain citizenship information or be able to successfully take a citizenship test.

**USCIS requires objective findings demonstrating that the person seeking citizenship has an impairment in cognitive functioning, in mental functioning, in memory, in learning, or in learning retention.**

Cognitive impairment can be demonstrated through psychological testing. The medical professional must explain the nature and extent of any medical condition and explain how the condition relates to the applicant's inability to comply with the educational requirements for naturalization.

## OVERALL APPROACH

- A trauma-informed, culturally competent assessment that captures the realities and the meaningfulness of the refugee client's experience, stressors and traumas, and their disabling condition, provides a comprehensive framing for the diagnoses.
- Use culturally-unbiased neuropsychology testing if possible
  - ⇒ Testing that can be used on anyone from any culture and that is not culture dependent
- Many disallowed reports simply fail to effectively communicate the patient's actual condition and impairments because of inadequate or insufficient information or poorly reported findings. Include relevant examples of results to illustrate capacity limitations and impact (e.g. the effects of complex trauma, prolonged stress).
- Triangulate findings from multiple data points, multiple domains and multiple instruments
  - ⇒ Trauma-informed clinical interview & cultural formulation interview
  - ⇒ Testing across all three domains (affective, cognitive and functional) of integrated report
  - ⇒ Collateral interviews
  - ⇒ Record review
  - ⇒ Medical diagnoses (ICD codes)
  - ⇒ Current medication
  - ⇒ Consistency of findings across practitioners
  - ⇒ Disability status from other sources
  - ⇒ Multiple forms of IDs for authenticating identity

## EVALUATOR'S CONSIDERATIONS TO GET EFFECTIVE RESULTS FOR CLIENTS

- Length of time needed for in-depth evaluation
- Availability and adaptability of culturally-competent instruments
- Interpretation issues in evaluation
- Translation issues for instruments

## ENGLISH AND CIVICS REQUIREMENTS EXCEPTION PROCESS OF MEDICAL WAIVER

- Applicants who seek an exception to the educational requirements due to a physical or developmental disability or mental impairment that has lasted or is expected to last 12 months or more may submit Form N-648, Medical Certification for Disability Exceptions, completed by a medical professional.
- Only medical doctors, doctors of osteopathy, and clinical psychologists licensed to practice in any state of the United States, Washington D.C., Guam, Puerto Rico, and the Virgin Islands may certify the form
- N-648 is usually submitted at the time of filing the naturalization application; however, USCIS will accept N-648 at examination time
- A disability or impairment that is the direct result of illegal drug use cannot form the basis for a medical waiver exception
- A claim of illiteracy alone cannot form the basis for a medical waiver unless the illiteracy is caused by a disability or impairment

## NATURALIZATION PROCESS

### General Process Flow

- Applicant files Form N-400, Application for Naturalization with USCIS
- Applicant appears for biometrics (fingerprints, photograph, signature)
- Applicant is interviewed and tested in English and U.S. civics by a USCIS officer unless exempt
- Adjudication (case continued, approved, or denied)
- Naturalization Oath Ceremony - If all requirements are met, USCIS will schedule the applicant to appear at a ceremony for the administration of the Oath of Allegiance

### GENERAL ELIGIBILITY REQUIREMENTS

- 18 years of age at time of filing
- Lawful Permanent Resident
- Residence and physical presence in US
- Good moral character (GMC)
- Attachment to constitution
- English and civics
- Oath and allegiance

### EDUCATION REQUIREMENTS

- The law requires naturalization applicants to demonstrate:
- An ability to understand, read, write, and speak English
  - A knowledge of U.S. civics (U.S. history and government)

## NATURALIZATION TESTING

If Form N-648 is found to be insufficient at the initial naturalization interview:

- The USCIS Officer will provide the applicant with an opportunity to take each portion of the naturalization test including the civics and English language portions
- If an applicant refuses to respond to individual test items, then the USCIS Officer will continue the case. The USCIS Officer will issue a request for evidence, addressing in writing the reason(s) the Form N-648 is insufficient.
- If the response to the request for evidence is determined to be sufficient, or if an applicant submits a new Form N-648 and it is deemed sufficient, then the USCIS Officer will determine the educational requirements from which the applicant is exempt based on medical professionals' recommendations.
- If the applicant is eligible for naturalization, the USCIS Officer will approve the naturalization application and schedule the applicant to appear for an oath ceremony to take the oath of allegiance

### ROLE OF THE MEDICAL PROFESSIONAL IN COMPLETING AND CERTIFYING Form N-648

- The medical professional must have conducted an in-person medical examination of the applicant to certify the form
- Staff associated with the medical professional may assist in completing the form BUT the medical professional alone is responsible for verifying the accuracy of the content and for certifying the form
  - ⇒ The doctor must verify that the information about the medical condition is correct and that the nexus is properly documented on Form N-648
- Responses must be legible and appear in black ink
- Responses should utilize common terminology without abbreviations
- All questions and items requested on Form N-648 must be answered fully
  - ⇒ It is critical to USCIS and to the applicant that the medical professional ensure that each question or item on the form is completed. An incomplete Form N-648 will cause a delay, as well as a possible denial, in the adjudication of the naturalization application, leading to possible hardship for the applicant.

The [National Partnership for Community Training](#) and the [Florida Center for Survivors of Torture](#) are programs of Gulf Coast Jewish Family & Community Services. This publication was funded by the Office of Refugee Resettlement. For more information on this document and for research purposes, contact (305) 275-1930 or [partnehip@gcjfcs.org](mailto:partnehip@gcjfcs.org). NPCT is a training and technical assistance program which enhances awareness about the impact of political torture and teaches skills to respond appropriately using trauma-informed care principles. It is a partnership of the Florida Center for Survivors of Torture (FCST), the Harvard Program in Refugee Trauma (HRPT) and the Bellevue/NYU Program for Survivors of Torture (PSOT).

# Assisting Refugees in Applying for Disability Exceptions for U.S. Citizenship

Being a refugee does not mean one cannot successfully complete a citizen examination. Many refugees seek exemptions for medical and psychiatric reasons. However, some refugees request an exemption because:

- They feel too old to try
- It is impossible for them to learn and understand English
- They experience fear and/or anxiety
- They are malingering (rare)

These do not qualify as exceptions and do not warrant a medical or psychiatric disability waiver.

## CITIZENSHIP AND MEMORY LOSS

Memory loss and poor cognition cause serious problems with learning new language and material.

### Memory Loss:

Decline in memory and thinking skills are common symptoms expressed by many refugees seeking citizenship. Some mild decrease in memory is associated with aging. Normal age-related memory loss and problems do not prevent a refugee from passing a citizenship test.

### Poor Cognition:

There are many treatable mental health and medical problems that can cause mild to severe cognitive impairment. There are also some untreatable medical and psychiatric problems that can cause ongoing and progressive memory loss and impaired thinking.

## TREATABLE DIAGNOSES COMBINING EMOTIONAL DISTRESS AND COGNITIVE IMPAIRMENT

- Depression
- Post-Traumatic Stress Disorder (PTSD)
- Severe Anxiety Disorders
- Traumatic Head Injury (THI)

These example diagnoses have been used on the citizenship form. The doctor should indicate them by code (DSM V and ICD 10). Some diagnoses may improve and others may not, such as the limited treatable disorders below. The doctor will have to decide the prognosis with the applicant.

### OTHER TREATABLE DISORDERS ASSOCIATED WITH IMPAIRED COGNITION

- Medication
- Alcoholism
- Vitamin B-12 deficiency
- Hyperthyroidism
- Tumors

### LIMITED TREATABLE DISORDERS: SEVERE, PROGRESSIVE IMPACT

- Alzheimer's Disease
- Pre-senile Dementias
- Multi infarct dementia - caused by having a history of hypertension for many years

## PSYCHOLOGICAL ASSESSMENT

Psychological testing for torture survivors with the following tools offers more data for citizenship applications

### Intellectual and Cognitive:

- Wechsler Adult Intelligence Scale, 4th ed. (WAIS-IV)
- WISC-IV Full-Scale IQ & IQ/Composite Score Summary
- Wechsler Memory Scale, 4th edition (WMS-IV)
- The Montreal Cognitive Assessment (MoCA)
- Rey-Osterrieth Complex Figure Test

### Emotional/Personality Testing

- Harvard Trauma Questionnaire (HTQ) Revised
- Hopkins Symptom Checklist - 25
- Beck Depression Inventory II (BDI-II)

This information guide is based on research and a February 25th, 2015 NPCT webinar on this topic presented by USCIS Adjudications Officers with the Residence and Naturalization Division at the Office of Policy and Strategy, Wendy Gonzalez and Lisa Bell; Directors of the Harvard Program in Refugee Trauma, Dr. Richard Mollica and Jim Lavelle; and the Executive Director at Georgia Refugee Health and Mental Health, Dr. Kathleen Connors.

## USCIS CONTEXT

- Remember that USCIS is requesting an outcome-oriented assessment
  - ⇒ Document the inability to learn English and US civics, if it exists
- Recognize that the USCIS examiner is the audience for the report
  - ⇒ The examiners are trained professional who are approaching their task, understanding the rules and regulations and standards of proof of USCIS. They are educated lay people and not medical or psychological professionals.
  - ⇒ Avoid:
    - ◇ Face value rather than explanation and demonstration
    - ◇ Professional assumptions about implications
    - ◇ Specialized language
- Follow the logic of the report format
  - ⇒ The report is set up as steps in a progression from diagnosis to demonstrating capacity
- Test-based substantiation is important
- Nexus
  - ⇒ Detail the link between the disabling condition and the inability to perform the task
  - ⇒ Diagnosis is only the introduction
  - ⇒ Explaining the outcome - capacity to learn - is the core requirement

## NEXUS (CAUSAL CONNECTION)

### Example of a Sufficient Nexus

- “The patient’s condition is a global, lifelong impairment that severely affects cognition, language and motor skills. While many individuals with mild to moderate forms of Down Syndrome are capable of daily tasks and working in the community, this patient suffers from a particularly severe form. Because of this impairment, his memory is deficient, he cannot learn new skills, and he is not capable of reasoning but only of performing simple daily activities. The patient’s severe intellectual disability (mental retardation) makes him incapable of learning a new language (even basic words) and demonstrating the required knowledge of U.S. history and government.”

### Example of an Insufficient Nexus

- The medical professional wrote “patient has Down Syndrome” as the only connection to the educational requirements

## INTERPRETER CERTIFICATION

- Form N-648 asks the applicant if an interpreter was used during the medical examination
- If an interpreter was used, then s/he must complete and certify Form N-648 if communications were translated between the applicant and the medical professional on the day of the medical examination that formed the basis of the Form N-648 certification. If an interpreter provided services over the phone, the medical professional is required to complete the interpreter’s biographic information and the interpreter is not required to certify the Form N-648.
- The medical professional is required to record on Form N-648 if s/he is fluent in the language spoken by the applicant and served as the interpreter.

## ROLE OF THE USCIS OFFICER

- The USCIS Officer will review the entire form to ensure that the Form N-648 submitted:
  - ⇒ Relates to the applicant for naturalization who submitted the Form N-648
  - ⇒ Fully addresses the questions about the underlying medical condition
  - ⇒ Fully address the nexus between the medical condition and the educational requirements for naturalization
- The USCIS Officer will review question 11 on Form N-648 to determine whether the applicant is exempt from all or only some of the educational requirements
- If on Form N-648, question 11 indicates that applicant is exempt from:
  - ⇒ All educational requirements, then the USCIS Officer will interview the applicant on Form N-400 in the applicant’s language of choice with the use of an interpreter and will not test the applicant on any of the educational requirements
  - ⇒ Some of the educational requirements, then the USCIS Officer will only test the applicant on those areas that the medical professional did not exempt

## OVERVIEW OF PART III, FORM N-648, QUESTIONS 1-12

Part three of Form N-648 requires information about the applicants disability and/or impairment

- Question 1 requires the clinical diagnosis and DSM IV or V code (if applicable), of the applicant's disability and/or impairment(s) that form the basis for seeking an exception to the English and/or civics requirements
- Question 2 asks the medical professional to provide a basic description of the disability and/or impairment
- Question 3 and 4 request the first and last dates that the medical professional examined the applicant
- Question 5 asks if the medical professional regularly treats the applicant for the medical condition identified in question one
- Question 6 asks if the medical condition(s) has lasted or is expected to last at least 12 months
- Question 7 asks if the disability and/or impairment(s) was a result of the use of illegal drugs
- Question 8 requests information about the cause of the applicants disability and/or impairment(s)
- Question 9 asks for information about the clinical methods that were used to diagnose the disability and/or impairment(s)
- Question 10 requires a clear description of how the disability and/or impairment(s) will affect the applicants ability to meet the specific educational requirements
- Question 11 requests that the medical professional identify the specific educational requirements that the applicants disability and/or impairment(s) prevents him/her from meeting, such as reading English, writing English, speaking English, and/or answering questions regarding US history and civics, even in a language that the applicant understands
- Question 12 seeks confirmation that an interpreter was or was not used during the medical professionals examination. If an interpreter was needed, the interpreter certification must be completed.

## UCSIS RESOURCES

- To visit USCIS' website  
⇒ [www.uscis.gov](http://www.uscis.gov)
- To make an Infopass appointment  
⇒ <http://infopass.uscis.gov/>
- To view case status  
⇒ <https://egov.uscis.gov/cris/Dashboard.do>
- To view USCIS Form N-400 Processing Times  
⇒ <http://www.uscis.gov/portal/site/uscis>
- To email specific questions to USCIS  
⇒ [uscis-igaoutreach@uscis.dhs.gov](mailto:uscis-igaoutreach@uscis.dhs.gov)

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