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N-648 Medical Waivers - How Are They Working For You?: Questions from CIS Ombudsman's Teleconference

The following are questions discussed during the November 2, 2007 teleconference. We will post answers received from USCIS as soon as we have them. We also plan to post any additional questions received by email.

- 1. Origin of Impairment** - The caller noted that the N-648 memo issued in May 2006 requires the doctor to note the origin of impairment. However, the Form N-648 only asks for the diagnosis. Doctors are not aware of this requirement from the form. The requirements for the medical examiner can only be found in hard to find places on USCIS' website. Can USCIS add a supplemental sheet to the form to explain this additional requirement?
- 2. Presumption of Fraud** - A caller from California stated that often adjudicators pressure applicants to take the naturalization exam so that they do not have to adjudicate the waiver. Adjudicators are disinclined to approve the waiver if the applicant looks young and healthy. Officers are not familiar with medical terms and do not understand medical disabilities, but are taking on the role of a medical examiner. The caller stated that officers are operating from a presumption of fraud. Other than the issuance of the September 2007 memo, what other steps is USCIS taking to train adjudicators on these issues?
- 3. Adjudicators' Line of Questioning** - A caller from New York stated that the officers are questioning applicants about their daily activities and that this line of questioning is contrary to USCIS guidance; officers are trying to make a determination on their medical impairment. What types of questions does USCIS instruct its adjudicators are appropriate to ask in an N-648 interview?
- 4. Multiple N-648s** - One practitioner stated that she has provided multiple N-648s for one applicant because applicants may see multiple doctors due to multiple medical conditions. She stated that this practice should not be presumed fraud. What is USCIS' policy on multiple N-648s submitted for one applicant?
- 5. Submission of N-648 not concurrently filed with N-400** - One caller said that the September 2007 memo indicates that submission of N-648s after the N-400 will raise credible doubts. She asked what would happen to cases filed before the issuance of this memo. Please advise.
- 6. Civil Surgeons** - One caller stated that he does not agree that USCIS should designate civil surgeons to complete N-648s. Many of his clients are low income and civil surgeons will charge significant fees. Also, many applicants that need the N-648 have been going to a certain doctor for many years and a doctor-patient relationship has been established; to require a civil surgeon to complete the form after one examination does not make sense.
- 7. Solutions** - The Ombudsman challenged the callers to try to come up with solutions that would allow legitimate cases to go through the system while accounting for the large number of fraudulent cases. One caller suggested that USCIS reach out to the Medical Board to conduct training for doctors as well as include penalties for perjury.

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