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Memorandum

TO: Field Leadership

FROM: Don Neufeld /s/
Acting Associate Director, Domestic Operations

DATE: April 25, 2008

SUBJECT: Naturalization Interview Process Changes



Introduction

In response to the surge of applications received last summer, USCIS has developed a plan to address the increased naturalization workload by hiring and training several hundred adjudicators over the next several months. While we welcome this much needed infusion of new staff, it is important to recognize and plan for the challenges associated with such rapid growth. That is one reason why we have instructed managers to ensure greater oversight over new staff in general, and specifically with respect to NQP, quality decision review and decisions in general.

How we utilize new and experienced staff as we grow is particularly crucial to maintaining quality. With respect to naturalization, while every aspect of the process is important, we also have the opportunity to use the steps of the process as a way to introduce new officers and staff to the process, initially using them in less complex decision-making. This also lets us focus experienced adjudicators on the final determination of eligibility.

The purpose of this memorandum is to improve the alignment of essential naturalization activities with the skill sets of our workforce. The changes identified hereafter focus on assigning work to Trainee Adjudications Officers and other staff that is both grade appropriate and commensurate with their abilities. This work will assist more senior adjudicating officers in identifying issues that require further examination, and is consistent with our efforts to maintain quality levels as we grow significantly this year by adding a large number of newly trained staff.

Further, this memorandum provides clarification and guidance on various procedural steps associated with conducting a naturalization interview.

Pre-examination check-in process

As applicants arrive at the Field Office for their naturalization examination, consideration should be given to tasks that can be done prior to the applicant's formal examination; (i.e., signing the photo and distribution of any related informational materials).

In this regard, as applicants arrive, offices are encouraged to provide the applicants an opportunity to review the N-400 Interview Preparation Notice (included). This notice is provided as an advisory to help prepare the applicant to inform the interviewing officer of any events that may have occurred after submitting their N-400 and which may have bearing on the adjudication.

Offices are also encouraged to verify certificate preparation information with the applicant prior to the interview. Offices can utilize the N-400 Interview Preparation Worksheet B (included) for this purpose. A USCIS representative should complete the shaded portion of Worksheet B with the applicant to verify the biographic information that will appear on the naturalization certificate.¹ CLAIMS 4 should be updated at this point with the biographic information.

Effective immediately, applicants are to sign their photos using their normal signature. Normal signature means signature in English unless exempt the English language requirement of 8 CFR 312. Signatures need not be legible and names may be shortened consistent with the applicant's normal signature. Applicants who are seeking a change of name at the time of naturalization should not sign their photos until after the name change is granted.

Naturalization Testing

When required, USCIS will assess the applicant's ability to read, write, and speak words in ordinary usage in the English language, and assess whether the applicant has a sufficient knowledge and understanding of the fundamentals of the history, principles, and form of government of the United States. USCIS will evaluate the history and civics portion through a naturalization test. USCIS also evaluates English language ability through administration of the naturalization test and the full oral interview.

Once the pre-examination check-in process has been completed, offices are encouraged to consider testing the applicants' knowledge of American government and history (civics), and their ability to read and write English, separately prior to the interview. This procedure has been successfully utilized in the past. It has provided a means of maintaining the quality of N-400 interviews because the interviewing officer is able to focus on the other eligibility issues. Interviewing officers will continue to determine the applicant's ability to speak and understand English through the oral interview process.

The only difference from current practice is the sequence – that the English and civics tests can be administered before the interview following the pre-examination check-in process, as opposed to during the actual interview. The tests must be administered by designated

¹ The name, sequence of the name and date of birth will continue to be verified by the interviewing officer.

and trained personnel.² The test questions, test administration, reasonable accommodation requirements and standards for passing remain unchanged.

If an applicant passes the civics test and is able to read and write words in ordinary usage in the English language, the record should be so noted (using the attached Worksheet B), which when executed becomes an addendum to the NQP worksheet. If the applicant passes only the English language portion or only the civics portion of the tests, the record should be so noted (using the attached Worksheet B). The completed Worksheet B should be maintained in the A-file under the N-400 application. This information should also be captured in CLAIMS 4. The Naturalization Quality Procedures (NQP) worksheet (Form N-650) should be initialed and dated by the interviewing officer as appropriate. The interviewing officer will note "See Worksheet B" in the "Remarks" section of the N-650. If the applicant fails either portion of this test administered prior to the interview, the interview should be conducted and the applicant should then be scheduled to be re-tested as required. Wherever possible, scheduling of a follow-up English literacy and civics test should be done at the time of the current examination so that applicants know when they will have their second and last opportunity to take the test.

Applicants claiming exemption from the English literacy requirements may be tested on the civics portion in their native language under these new procedures provided they meet the age and residency requirements. The testing procedures above do not apply to applicants claiming exemption from the English and Civics requirements due to medical disability; for these applicants testing will remain a function of the interviewing officer.

Interview

As directed in Chapter 74 of the Adjudicator's Field Manual, questioning of an applicant must cover all requirements for naturalization. Questions during the examination should build on the results of the preliminary analysis, such as background check results. If the results of the background checks or other preliminary analysis raise questions of eligibility, or the applicant's response to questions on the N-400 brings eligibility into question, the officer should focus attention on those issues. Additionally, officers are required to ask each applicant the questions contained in Part 10 H of the N-400. Supervisors should regularly monitor and observe officers to ensure that officers are asking essential or pertinent questions relating to the benefit sought.

Post-Examination process

When an officer has concluded the interview, the case file may be returned to designated non-officer personnel for post examination processing. Post examination processing may include any duties previously performed by the examining official following an interview and include: scheduling of a follow-up appointment for English literacy and/or civics testing; photo and/or certificate signing; CLAIMS 4 decisional updating; and oath ceremony scheduling.

² See the Designations section of this memo for those officers who are designated to conduct naturalization examinations and can thus serve as examining officials.

Designations

The actual examination of naturalization applicants and the approval of naturalization applications must be conducted by a designated examiner. Immigration regulations (See 8 CFR 332.1(a)) designate immigration examiners,³ and provide that other officers of the Service may be so designated provided that each officer so designated has received appropriate training.⁴ Through this memorandum we are designating the USCIS officer corps, including Adjudications Officers, Fraud Detection and National Security Officers, Asylum Officers, Application Support Center Managers, Application Adjudicators and Immigration Information Officers,⁵ for the purpose of administering the civics test and the English language reading and writing proficiency test. The grade level of these officer corps positions are all at or above the range of grades of what was an Immigration Examiner. For example, when an applicant appears for the naturalization interview, offices should consider having an Information Officer, Trainee Adjudications Officer, Applications Adjudicator or ASC Manager administer the reading and writing part of the English test and the civics test.

Through this memorandum we are designating the positions of Adjudications Officers and Application Adjudicators for the purpose of the interview and adjudication of naturalization applications, and are further designating Asylum Officers for this purpose when acting in the role of an Adjudications Officer. In order for officers falling within the aforementioned designated positions to conduct N-400 interviews or adjudicate N-400 applications, they must have completed mandatory training for new officers. This would include BASIC, IOBTC, or OTPIOBTC.

Conclusion

We recognize that given office configurations and currently available personnel, not every office will be able to immediately implement every step described above in advance of the actual interview and examination. However, offices are encouraged to implement these where possible, and to work closely with district and regional management in that respect. As steps are implemented, they must conform to the stipulations of this memorandum. Implementation is designed to increase the quality of the process by focusing the interview on the determination of eligibility. Implementation will also allow for the introduction of newer staff into less complex elements of the process and focus more experienced officers on determining naturalization eligibility.

While this memorandum authorizes specific process and sequence changes, the NQP requirements for quality control and process tracking must continue to be met.

While key areas of the naturalization process have been identified for improvement, there are still other processes that may be improved. Field Offices are encouraged to propose process improvements and forward suggestions and/or ideas through their designated chains of command to the Regional Directors for approval prior to implementation.

³ The position of Immigration Examiner was a discrete type of position within the Immigration and Naturalization Service. Within INS the position existed at the GS-5 through GS-11 grades, with a subsequent change in the journeyman grade to GS-12. The position of Immigration Examiner was subsequently converted to the Adjudications Officer position of today, which similarly exists at the GS-5 through GS-12 grades.

⁴ Testing standards and procedures are contained in Chapter 74 of the Adjudicators Field Manual. Field Offices must provide instruction in test administration requirements prior to designating an employee for this purpose.

⁵ Asylum Officers and Fraud Detection and National Security Officers would perform these duties on overtime.

Questions regarding this memorandum should be directed through appropriate channels to Robert Fenwick, Acting Branch Chief, HQ Office of Field Operations.

DISTRIBUTION LIST:

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ATTACHMENTS:

N-400 Interview Preparation Notice

N-400 Interview Preparation Worksheet B