

March 27, 2023

Samantha L. Deshommes
Chief, Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue NW
Washington, DC 20529

Re: USCIS Form N-648, Medical Certification for Disability Exceptions

Dear Ms. Deshommes,

The undersigned organizations representing the nurse practitioner (NP) and physician assistant (PA) communities, and the Naturalization Working Group (NWG) respectfully submit the following letter regarding improvements to the medical disability waiver for the citizenship test. We are advocating that regulations be revised to allow licensed NPs and PAs to complete the N-648 medical disability form for naturalization applicants. This change would comply with the intent of the statute and conform to current medical practice.

Introduction of Stakeholders and Expertise

The undersigned nursing organizations represent the interests of the over 355,000 NPs in the US. NPs are advanced practice registered nurses (APRNs) who are prepared at the masters or doctoral level to provide primary, acute, chronic and specialty care to patients of all ages and backgrounds. Daily practice includes assessment; ordering, performing, supervising and interpreting diagnostic and laboratory tests; making diagnoses; initiating and managing treatment including prescribing medication and non-pharmacologic treatments; coordinating care; counseling; and educating patients and their families and communities. NPs hold prescriptive authority in all 50 states and the District of Columbia (D.C.) and currently, twenty-six states, the District of Columbia and two U.S. territories have adopted full practice authority, granting patients full and direct access to nurse practitioners.

The undersigned PA organization represents the more than 168,300 PAs in the US. PAs are licensed clinicians who practice medicine in every specialty and setting. Trusted, rigorously educated and trained healthcare professionals, PAs are dedicated to expanding access to care and transforming health and wellness through patient-centered, team-based medical practice. PAs obtain a master's degree, with a growing number of PAs also earning doctoral degrees. PAs obtain medical histories, perform physical examinations, diagnose and treat illnesses, order and interpret diagnostic tests, prescribe medications, perform procedures, assist at surgery, coordinate care, provide patient education and counseling, and perform other medical services. PAs often serve as a patient's principal healthcare practitioner.

The NWG is coordinated by the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund and made up of national and local organizations committed to helping lawful permanent residents (LPRs) become United States citizens. The NWG strives to improve federal policies and practices related to naturalization and to educate legislators and other policymakers about the need to address barriers to naturalization. The NWG is the policy complement to the New Americans Campaign (NAC), a diverse nonpartisan national network of respected immigrant-serving organizations, legal service providers, faith-based organizations, immigrant rights groups, foundations and community leaders. Many NWG members specialize in representing the most vulnerable populations, including LPRs with disabilities. The disability waiver for the English/civics naturalization requirement is a daily matter in the immigration practice of these programs.

Need for Change in Regulations Governing Disability Waivers

We greatly appreciate recent actions taken by the U.S. Citizenship and Immigration Services (USCIS) to streamline Form N-648 to reduce the burden on naturalization applicants and improve the accessibility of the disability waiver process, in keeping with Executive Order 14012.¹ To further reduce burdens on naturalization applicants, we respectfully request that USCIS initiate rulemaking to authorize licensed NPs and PAs to complete Form N-648 for naturalization applicants seeking an exception to the English and/or civics requirements because of a physical or developmental disability or mental impairment.

As you know, Form N-648 is used by naturalization applicants to seek an exception to the English and/or civics requirements for naturalization on the grounds that they have a physical or developmental disability or mental impairment.² Under the current regulations (8 CFR §312.2 (b) (2)), only licensed medical doctors, doctors of osteopathy, and clinical psychologists are authorized to complete this form.³ We are proposing that USCIS amend those regulations to include licensed nurse practitioners and licensed physician assistants. The accompanying Policy Manual⁴ and Form N-648⁵ would need to be amended as well.

This request is consistent with recommendations from the USCIS Ombudsman. In the Citizenship and Immigration Services Ombudsman 2021 Annual Report, the Ombudsman recommended improving Form N-648 processing by expanding “the list of authorized medical professionals, such as by including nurse practitioners, to improve access to and raise the quality of information provided.”⁶ This request was reiterated in the 2022 Ombudsman Annual Report.⁷

More Applicants Are Seeing PAs and NPs for Primary Care

As noted by the Ombudsman, many applicants, particularly those in low-income and underserved communities, see PAs and NPs as their primary care clinicians. However, under current regulation they are required to locate a physician to conduct the disability examination and complete Form N-648. As noted in the report, this can result in additional delays and costs for applicants, and physicians declining to complete the form for qualified applicants. Additionally, authorizing NPs and PAs to conduct the examinations and complete the form would improve the quality of the medical information provided, and further streamline the naturalization process, by ensuring that the clinician most familiar with the applicant’s condition is providing the applicant’s information to USCIS. This streamlined process will reduce the burden for both applicants and USCIS.

PAs and NPs have a particularly large impact on primary care. According to the Medicare Payment Advisory Commission (MedPAC), APRNs and PAs comprise approximately one-third of our primary care workforce, and up to half in rural areas.⁸ They provide a substantial portion of health care in rural areas and areas of lower socioeconomic and health status, where many immigrants receive their health care services. As such, they understand the barriers to care that face vulnerable populations on a daily

¹ Executive Order on Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/02/executive-order-restoring-faith-in-our-legal-immigration-systems-and-strengthening-integration-and-inclusion-efforts-for-new-americans/>

² Instructions for Form N-648, Medical Certification for Disability Exceptions, OMB No. 1615-0060.

³ Form N-648, Medical Certification for Disability Exceptions, OMB No. 1615-0060.

⁴ Policy Manual, Vol. 12, Part E, Chapter 3, <https://www.uscis.gov/policy-manual/volume-12-part-e-chapter-3>

⁵ Form N-648 page 1 under Start Here, first bullet; Part 2, question 7; Part 6, number 1.

⁶ https://www.dhs.gov/sites/default/files/publications/dhs_2021_ombudsman_report_med_508_compliant.pdf. (Page vii).

⁷ [Citizenship and Immigration Services Ombudsman Annual Report 2022 \(dhs.gov\)](https://www.dhs.gov/citizenship-and-immigration-services-ombudsman-annual-report-2022)

⁸ https://www.medpac.gov/wp-content/uploads/2022/06/Jun22_MedPAC_Report_to_Congress_SEC.pdf (see Chapter 2.)

basis.^{9,10,11} Performing and certifying medical histories and physical examinations are well within the scope of practice for NPs and PAs. Ensuring that disability waiver applicants are able to see PAs and NPs for required examinations will help address the underlying equity issues that impact this population.

Federal Agencies Have Long Recognized the Qualifications of NPs and PAs

It is important to acknowledge that federal agencies have long recognized NPs and PAs as qualified to perform examinations for health or functional impairment and provide ongoing care to patients. Performing physical examinations, evaluating a patient's health condition, and serving as primary care providers is well within their scope of practice, and this has been recognized by numerous federal agencies.

Most recently, the U.S. Department of Education expanded the list of health professionals who may certify that a student loan borrower is totally and permanently disabled (TPD) to include licensed NPs and PAs. In finalizing that rule, the Department of Education stated that authorizing PAs and NPs to certify TPD discharges was "imperative" to ensuring that loan borrowers were able to "more easily obtain TPD discharges for which they qualify," particularly in rural and underserved communities.¹²

NPs and PAs also serve as primary care providers in the Veteran's Health Administration, the Medicare and Medicaid programs, the Indian Health Service and the Federal Employees Health Benefits Program. Additionally, they have served as Federal Motor Carrier Safety Administration medical examiners, authorized to perform medical examinations for interstate truckers since 1992. The Social Security Administration considers PAs and NPs to be "acceptable medical sources" for the purpose of establishing a medically determinable physical or mental impairment.

This recommendation is also consistent with the National Academies of Science, Engineering and Medicine report *The Future of Nursing 2020-2030: Charting a Path to Achieve Health Equity*, which recommends that "all relevant state, federal and private organizations enable nurses to practice to the full extent of their education and training by removing practice barriers that prevent them from more fully addressing social needs and social determinants of health and improve health care access, quality, and value."¹³ The U.S. Departments of Health and Human Services, Treasury, and Labor recommend allowing PAs and NPs to practice to the full extent of their education and clinical training to improve patient access to qualified healthcare providers, which is especially important among underserved areas and populations.¹⁴

Conclusion

As more applicants are seeing NPs and PAs for primary care, a change in the regulations to allow NPs and PAs to complete Form N-648 would eliminate barriers for applicants with disabilities and increase the quality of the information provided in the form. It would streamline the process and improve efficiency for applicants and USCIS. Finally, it would bring USCIS in line with other federal agencies that recognize the qualifications of PAs and NPs.

We thank you for your consideration of this request and look forward to further working with USCIS on ways to improve the naturalization process. Should you have comments or questions, please direct them

⁹ Davis, M. A., Anthopolos, R., Tootoo, J., Titler, M., Bynum, J. P. W., & Shipman, S. A. (2018). Supply of Healthcare Providers in Relation to County Socioeconomic and Health Status. *Journal of General Internal Medicine*, 4–6. <https://doi.org/10.1007/s11606-017-4287-4>.

¹⁰ Xue, Y., Smith, J. A., & Spetz, J. (2019). Primary Care Nurse Practitioners and Physicians in Low-Income and Rural Areas, 2010-2016. *Journal of the American Medical Association*, 321(1), 102–105.

¹¹ Andrilla, C. H. A., Patterson, D. G., Moore, T. E., Coulthard, C., & Larson, E. H. (2018). Projected Contributions of Nurse Practitioners and Physicians Assistants to Buprenorphine Treatment Services for Opioid Use Disorder in Rural Areas. *Medical Care Research and Review*, Epub ahead. <https://doi.org/10.1177/1077558718793070>

¹² 87 FR 65961.

¹³ <https://www.nap.edu/resource/25982/FON%20One%20Pagers%20Lifting%20Barriers.pdf>

¹⁴ <https://www.hhs.gov/sites/default/files/Reforming-Americas-Healthcare-System-Through-Choice-and-Competition.pdf>.

to MaryAnne Sapio, V.P. Federal Government Affairs, msapio@aanp.org, 703-740-2529, Laura Burdick, CLINIC Field Support Coordinator, lburdick@cliniclegal.org, 301-565-4815 or Michael Powe, V.P. Reimbursement, michael@aapa.org.

Sincerely,

American Academy of PAs
American Association of Nurse Practitioners
American Nurses Association
APILO
Asian Americans Advancing Justice Southern California
Asian Counseling and Referral Service
Asian Health Services
Asian Law Alliance
Asian Pacific Islander Legal Outreach
Bonding Against Adversity
Canal Alliance
CARECEN
CASA, Inc
Catholic Charities of the Archdiocese of Washington
Catholic Charities of the Diocese of Stockton
Catholic Legal Immigration Network, Inc. (CLINIC)
Catholic Legal Services, Archdiocese of Miami
Catholic Migration Services
Central American Resource Center -CARECEN- of California
Central Valley Immigrant Integration Collaborative
Citizenship Project - Las Vegas, Nevada
Colectiva Legal del Pueblo
Diocese of San Angelo Immigration Services
Education and Leadership Foundation
Employee Rights Center (ERC)
Entre Hermanos
Florida Immigrant Coalition
HIAS Pennsylvania
Hispanic Affairs Project
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Legal Resource Center
Immigration Institute of the Bay Area
Jewish Family and Children's Services
Jubilee Immigration Advocates
Kentucky Refugee Ministries
Language & Communication Associates
Massachusetts Immigrant and Refugee Advocacy Coalition
Michigan Immigrant Rights Center
Mujeres Latinas en Accion
NALEO Educational Fund
National Association of Pediatric Nurse Practitioners
National League for Nursing
National Organization of Nurse Practitioner Faculties
National Partnership for New Americans
Nevada Visionaries
New American Pathways
New Mexico Immigrant Law Center

NMIC
OCA-Asian Pacific American Advocates
OCA-Greater Houston
OneAmerica
Project Citizenship
Promise Arizona
Proyecto Vida Digna
Public Law Center
Self-Help for the Elderly
SFLC/ WE RISE SF
St. James Cathedral Immigrant Assistance
The African Cultural Alliance of North America Inc. (ACANA)
The International Institute of Metropolitan Detroit
TODEC
UnidosUS
Unitarian Universalist Refugee & Immigrant Services & Education

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