



# National Coalition for Literacy

11 December 2023

Ms. Samantha L. Deshommnes  
Chief, Regulatory Coordination Division  
Office of Policy and Strategy  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
20 Massachusetts Avenue NW  
Washington, DC 20529-2140

Re: DHS Docket No. USCIS-2008-0025; OMB Control Number 1615-0052  
Agency Information Collection Activities; Revision of a Currently Approved  
Collection: Application for Naturalization

Dear Chief Deshommnes,

The National Coalition for Literacy (NCL) appreciates the opportunity to provide comments to the Department of Homeland Security (DHS) U.S. Citizenship and Immigration Services (USCIS) Office of Policy and Strategy regarding the Information Collection Request (ICR) on Revision of a Currently Approved Collection: Application for Naturalization, OMB Control No.1615-0052.

NCL is an alliance of the leading national and regional organizations dedicated to advancing adult education, family literacy, and English language acquisition in the United States. In carrying out its work, NCL draws on its deep expertise in second language acquisition and adult reading skills development, collaborating with its member organizations to promote quality educational opportunity for adults in federally supported programs, including Adult Basic Education/English as a Second Language, Integrated Education and Training, and Integrated English Literacy and Civics Education. The National Association of State Directors of Adult Education (NASDAE) reports that in Program Year 2022 over half of participants in these programs were multilingual speakers seeking to gain the English language skills they needed to advance in career and life opportunities;<sup>1</sup> many of those were legal

permanent residents planning to pursue naturalization. The accessibility and appropriateness of the naturalization application and the naturalization process as a whole is thus of central concern to NCL and its members.

In the current ICR, USCIS is proposing numerous revisions to the N-400 application form and the accompanying instructions. The revisions reflect USCIS' commitment to language access for adults who are English learners, as outlined in President Biden's Executive Order 14012 (5 February 2021)<sup>2</sup> and reiterated in the Interagency Strategy for Promoting Naturalization (2 July 2021)<sup>3</sup> and Attorney General Garland's Memorandum to Improve Access to Services for People with Limited Proficiency in English (21 November 2022).<sup>4</sup> NCL commends USCIS for the work it has done to reduce the length of the application form, increase the logical flow of the sections and items, and clarify the instructions. These changes will certainly contribute to reducing the barriers that applicants may face in using the instructions and completing the form.

NCL has also identified several further opportunities for USCIS to increase the accessibility and usability of the N-400 and the instructions. In this document, NCL first provides overall observations on the language level of the N-400 and the instructions. NCL then addresses specific ways in which language access could be increased for the N-400 specifically. NCL's overall objective is to offer observations and recommendations that support USCIS in aligning the naturalization materials with the statutory requirement of demonstrating "an ability to read, write, and speak words in ordinary usage in the English language, *Provided*, That the requirements of this paragraph relating to ability to read and write shall be met if the applicant can read or write simple words and phrases to the end that a reasonable test of his literacy shall be made and that no extraordinary or unreasonable condition shall be imposed upon the applicant" (8 U.S.C. 1423).<sup>5</sup>

## 1. Overall Language Level

The overall language level of both the Form N-400 and the instructions is relatively high. The majority of sentences in the instructions and many sentences in the N-400 have complex or compound-complex structures, and the text assumes familiarity with cohesive devices, inter-sentential connectors, sequence of tenses, and other features typical of extended discourse. Examples:

- Instructions, Early Filing, page 3: *If you are applying based on lawful permanent residence for 5 years, you may generally file your application up to 90 days before meeting the required 5-year period of continuous residence as a lawful permanent resident. If you are applying based on your marriage to a U.S. citizen,*

*you may generally file up to 90 days before meeting the required 3-year period of continuous residence as a lawful permanent resident.*

- Form N-400, Part 9, page 6: *When a question includes the word “EVER,” you must provide information about any of your actions or conduct that occurred **anywhere in the world** at any time, unless the question specifies otherwise.*

Each of these examples elicits ratings of “difficult” or “extremely difficult,” the equivalent of secondary school completion, on online readability calculators.<sup>6</sup> The difficulty level of the N-400 and the instructions is thus out of alignment with the November 2023 Department of Homeland Security Language Access Plan,<sup>7</sup> which specifically references “Section 508 accessibility and plain language guidelines” (page 5).

In the context of adult education, the N-400 and the instructions require interpretive reading skills at Level 4 or Level 5 of the English Language Proficiency Standards for Adult Education, particularly Standards 1, 5, and 8.<sup>8</sup> This means that users of the N-400 and the accompanying instructions need to possess reading skills at the High Intermediate ESL or the Advanced ESL level on the National Reporting System (NRS) table of Educational Functioning Levels for ESL<sup>9</sup> in order to complete the Form N-400 successfully *pro se*. Users with lower levels of reading proficiency in English are therefore likely to be intimidated not only by the length of the form, but by the scope of the reading task involved in understanding and completing it. For those without resources for assistance with form completion (such as legal aid and translation services), even with the proposed changes the N-400 still presents considerable barriers to completion. In fact, the difficulty level may well present barriers to those providing legal aid or translation support services, as well as to applicants themselves.

### ***NCL recommendations***

- USCIS should seek to align the language level of Form N-400 with the High Beginning or Low Intermediate EFL level for ESL, to the degree that doing so is feasible given the requirements for use of legal terminology (terms of art) on the form. This would bring the N-400 more closely into alignment with the statutory descriptive language from 8 U.S.C. 1423 and the policy outlined in the DHS Language Access Plan cited above, and also with the USCIS-identified requirements for passing the speaking test portion of the naturalization interview. The strategies listed below provide recommendations for ways of adjusting the readability level of the N-400.

- USCIS should review the instructions to ensure compliance with the Federal Plain Language Guidelines.<sup>10</sup>

## 2. Strategies for Increasing Language Access

### a. Vocabulary

*Provision of synonyms:* Some items in Part 9 include synonyms in parentheses after more complex or less commonly used terms; for example, “advocated (supported and promoted) any of the following” in Item 5b, “conspired (planned with others)” in Item 6c, and “alimony (court-ordered financial support after divorce or separation)” in Item 17g. This is helpful, but the reason for provision of these reading aids in some places and not others is not clear. For Part 9 in particular, which contains a substantial number of low-frequency words, NCL recommends reviewing the text for additional terms where provision of similar aids would increase understanding. Synonyms and definitions could be developed based on the word lists developed for previous versions of the N-400 by community-based organizations such as the Immigrant Learning Center, Literacy Minnesota, and the Adult Learning Resource Center,<sup>11</sup> using word frequency lists<sup>12</sup> as guides. Part 9 would likely become unwieldy if parenthetical definitions were added in every appropriate location; an alternative would be to create a resource glossary as a study aid to be posted on the USCIS website. Such a glossary would be useful in three ways:

- As a form completion aid for applicants
- As a teaching aid for instructors preparing applicants for the naturalization process
- As a guide and support for translators seeking to explain and provide equivalences for legal, political, and social concepts that may not occur in parallel ways in the cultures with which applicants are familiar

### b. Sentence Structure

For readers with lower levels of reading proficiency, information processing is facilitated when written material uses simple sentences rather than compound or compound-complex ones (such as this one). The instructions within the proposed N-400 often use compound structures; to increase the accessibility of the material, NCL recommends converting these to simple sentences wherever possible.

## Examples:

Text in Proposed N-400	Suggested Revision
<p>In addition to your actual date of birth, include any other dates of birth you have ever used, including dates used in connection with any legal names or non-legal names, in the space provided in Part 14. Additional information. (Part 2, Item 6, p. 2)</p>	<p>Provide your actual date of birth here. Provide any other dates of birth you have ever used for any reason in Part 14.</p>
<p>If your parent (including legal adoptive parent) is a U.S. citizen by birth, or was naturalized before you reached your 18<sup>th</sup> birthday, you may not need to file Form N-400 as you may already be a U.S. citizen. (Start Here, p. 1)</p>	<p>Use the version in Part 2, Item 10: Was one of your parents (including adoptive parents) a U.S. citizen before your 18<sup>th</sup> birthday? If you answered “yes,” you may already be a U.S. citizen.</p>
<p>Read the instructions for this Item Number before you decide whether you would like to legally change your name (Part 2, p. 2)</p>	<p>First, read the instructions for this item number. Then decide if you want to legally change your name.</p>
<p>List where you have worked or attended school full time or part time during the last 5 years if you are filing based on the general provision under Part 1., Item Number 1.a. If you are filing based on other naturalization eligibility options, see Part 7. in the Specific Instructions by Item Number section of the Instructions for the applicable period of time for which you must enter this information. Provide information for the complete time period for all employment, including foreign government employment such as military, police, and intelligence services. Begin by providing information about your most recent or current employment, studies, or unemployment. Provide the locations and dates where you worked, were self-employed, were unemployed, or have studied. (Part 7, Item 1, page 5)</p>	<p>If you are filing based on the general provision, Part 1 Item 1a, list every place where you have worked or attended school for the last 5 years. If you are filing based on other eligibility options, read Part 7 in the Specific Instructions by Item Number section to find out the time period you should use. List all employment, including foreign government employment. List your current situation (job, school or unemployment) on the top row. Then list previous jobs and studies, including the location and dates. Also list any times when you were unemployed, self-employed, or retired.</p>

## Notes:

- The sequence of activities in compound sentences conjoined with “before” or “after” (for example, “Read the instructions before you complete this part”) can

be difficult for users with lower reading proficiency to parse correctly. To avoid misunderstanding, use two shorter sentences as in the third example above.

- The use of “if...then” constructions (for example, “List where you have worked or attended school full time or part time during the last 5 years if you are filing based on the general provision under Part 1., Item Number 1.a.”) is essential in the N-400 because of the different eligibility possibilities. To facilitate reading comprehension, use a consistent construction with the “if” clause first in all sentences that use this structure.

### c. Formatting

Formatting considerations, including layout, typography, and reference consistency, are key parts of the user experience with a form. They can affect the user’s ability to navigate the form effectively and complete it fully. NCL has the following observations and recommendations for formatting of the proposed Form N-400:

- *Identification of “Part” and “Item:”* The proposed Form N-400 has 14 parts that an applicant must complete before submission. Each part is identified by label (“Part”) and number on the form; for example, Part 1 is identified as Part 1. Information About Your Eligibility. In addition, the part headings are enclosed in a text box with grayed background. These features support an applicant in navigating through the form and ensuring that all parts are completed.

Each part contains a series of items, numbered sequentially starting at 1. In some cases, sub-items are indicated by letters (1.a., 1.b, and so on). The instructions for completing the N-400 clearly identify these as items, but the form itself does not. NCL recommends that USCIS provide further navigational support by adding the word “Item” and the part number to each item on the N-400 (for example, **Item 7.1.**)

- *Check boxes with follow-up instructions:* For some items, an applicant’s response involves choosing among options and then taking another action. These items are easier to navigate correctly when the follow-on action for each choice is provided next to the choice itself. For example, in Part 2, Item 12.a, the follow-on actions are listed beside the check boxes for “Yes” and “No.” By contrast, in Part 2, Item 3, the follow-on action for “No” is listed beside the check box, but the follow-on action for “Yes” is not. NCL recommends restructuring Item 3 as follows:
  - 3a. Do you want to legally change your name?
    - Yes (complete Item Number 3b)
    - No (skip to Item Number 4)
  - 3b. Type or print the new name you would like to use.

NCL further recommends taking a similar approach for all items with similar response options, such as Items 10 and 11 in Part 2. Doing so would have the additional advantage of reducing the need for “if...then” compound sentence structures.

- *Typography*: The proposed Form N-400 uses bolding of text in two ways: to identify sections of the form (parts, items), and to indicate emphasis in the instructions. For example, the introductory text for Part 9 bolds the phrase “anywhere in the world” to stress this aspect of the required response. NCL does not wish to suggest a change here, but simply to point out that applicants whose initial experience with reading was in non-Roman writing systems may not recognize the intent of bolding and similar writing conventions (italics, all caps) in English.

### **3. Content of Form N-400**

NCL notes that the proposed Form N-400 does not include the section on exemption from the English Language Test that appears as Part 2, Item 13 on the existing application form. On the existing form, this item appears immediately after the question about exemption from testing due to physical or developmental disability. Although the information about exemption from the English Language Test is detailed in the Specific Instructions by Item Number (proposed instructions, page 8), its omission from the actual Form N-400 may cause some applicants, as well as those assisting with form completion, to overlook this provision for exemption. The omission also may mean that USCIS does not receive all of the information it needs about some applicants. NCL recommends that USCIS include the item about eligibility for testing exemption as Part 2, Item 12 on the proposed Form N-400.

The National Coalition for Literacy commends USCIS for its ongoing efforts to make Form N-400 more straightforward and accessible for all applicants for naturalization. NCL believes that the changes proposed by USCIS, along with the recommendations provided in this document, will facilitate a more fair and efficient naturalization process. Please feel free to contact me directly if further information or clarification is needed.

Cordially,

Deborah Kennedy  
Executive Director  
Deborah.kennedy@key-words.us

## References

---

<sup>1</sup>[https://public.tableau.com/app/profile/patricia.tyler/viz/NASDAEAdultEducationFactSheetsPY2022\\_16837391201510/ProgramYear2020-21FactSheet](https://public.tableau.com/app/profile/patricia.tyler/viz/NASDAEAdultEducationFactSheetsPY2022_16837391201510/ProgramYear2020-21FactSheet)

<sup>2</sup> <https://www.federalregister.gov/documents/2021/02/05/2021-02563/restoring-faith-in-our-legal-immigration-systems-and-strengthening-integration-and-inclusion-efforts>

<sup>3</sup> <https://www.uscis.gov/news/news-releases/dhs-releases-interagency-strategy-for-promoting-naturalization>

<sup>4</sup> <https://www.justice.gov/opa/pr/attorney-general-merrick-garland-issues-memorandum-improve-access-services-people-limited>

<sup>5</sup> <https://www.ecfr.gov/current/title-8/chapter-I/subchapter-C/part-312>;  
<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1423&num=0&edition=prelim>

<sup>6</sup> <https://readabilityformulas.com/readability-scoring-system.php#formulaResults>. Ratings are based on formulas that consider average words per sentence and average syllables per word as proxies for overall text difficulty.

<sup>7</sup> <https://www.lep.gov/sites/lep/files/media/document/2023-11/2023%20Department%20of%20Homeland%20Security%20%28DHS%29%20Language%20Access%20Plan.pdf>

<sup>8</sup> American Institutes for Research. (2016). *English Language Proficiency Standards for Adult Education*. See descriptors for Standard 1 on pages 21, 35, and 43; descriptors for Standard 5 on page 25; and descriptors for Standard 8 on pages 28 and 41.

<sup>9</sup> NRS Technical Assistance Guide, <https://nrsweb.org/policy-data/nrs-ta-guide>. The quote here is drawn from the pre-2021 version of the NRS EFL Tables for ESL because that is the version that USCIS is still using for the English speaking test.

<sup>10</sup> <https://www.plainlanguage.gov/guidelines/>

<sup>11</sup> The Immigrant Learning Center <https://www.ilctr.org/>; Literacy Minnesota <https://www.literacymn.org/>; Adult Learning Resource Center <https://alrc.thecenterweb.org/>

<sup>12</sup> Corpus of Contemporary American English <https://www.wordfrequency.info/>; iWeb Corpus <https://www.english-corpora.org/iweb/>; Oxford 3000 and Oxford 5000 <https://www.oxfordlearnersdictionaries.com/wordlists/oxford3000-5000>