

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



December 31, 1996

ALL-COUNTY INFORMATION NOTICE I-66-96

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order or Settlement Agreement
- Clarification Requested by One or More Counties
- Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: IMMIGRATION AND NATURALIZATION SERVICE (INS) REGULATIONS FOR NONCITIZENS WITH CERTAIN DISABILITIES

REFERENCE: INS PROPOSED REGULATIONS - PART 312 OF CHAPTER I OF TITLE 8 OF THE CODE OF FEDERAL REGULATIONS (FEDERAL REGISTER AUGUST 28, 1996, VOLUME 6, NO. 168)

The purpose of this notice is to inform counties about the proposed INS regulations concerning naturalization applications filed by immigrants who may not be capable of taking or passing the examinations ordinarily required.

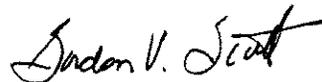
A noncitizen lawfully admitted for permanent residence may seek naturalization after residing in the U.S. for five years following his or her lawful admission. The first step in this process is for the individual to file an application at the local INS office. Generally, the applicant must then pass examinations demonstrating an understanding of the English language, and the history and form of government of the United States. Current INS regulations allow the English language test to be waived for individuals who are either: over age 50 with at least 20 years of lawful permanent residence in the U.S., or over age 55 with at least 15 years of lawful permanent residence. Individuals meeting one of these latter two exceptions may still be required to pass the history and government examination with the aid of an approved interpreter.

INS has published proposed regulations that implement changes related to exemptions to the testing requirements as required by the Technical Corrections Act of 1994. This 1994 law provides exemptions for individuals who are unable to comply with both requirements because they possess a "physical or developmental disability or mental impairment."

The determination of an individual's eligibility for waiver would seem to require an individual assessment, and is entirely within the authority of INS. The disability exemption is not a blanket waiver to be granted based solely on evidence of a disability. The new proposed regulations require that any individual applicant seeking an exemption must submit a certification, on a prescribed form, from a designated civil surgeon or qualified individual or entity as designated by the

Attorney General. The regulations, however, do allow INS to consult with other federal agencies who have previously determined an individual's disability, and to possibly use this consultation in lieu of a separate medical certification.

This notice intends only to provide a general overview of the proposed INS regulations, not to describe INS procedures or policies for naturalization. Individuals seeking naturalization, or more specific information, should contact their local INS office.



for KAROL Z. WIDEMON
Deputy Director
Adult Services Division