

## **High Stakes, More Meaning: An Overview of the Process of Redesigning the US Citizenship Test**

### **Summary**

The citizenship test is one of the most high-stakes examinations an immigrant will ever face. The process of meeting the requirements of citizenship and passing the test's English literacy and civics portion allows individuals to vote, qualify for certain federal government jobs, and can speed up the process of reuniting with close family members abroad. With the dual passage of welfare reform and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) in 1996, increasingly, citizenship is also the gateway to the social safety net and to residential security (that is, protection against deportation).<sup>1</sup>

Beginning in 1997, US Citizenship and Immigration Services (USCIS), then the Immigration and Naturalization Service (INS), began a process of redesigning this test.<sup>2</sup> On October 1, 2008, changes to both the citizenship test itself and the process by which the revised test is administered will be fully implemented and any qualified applicant for citizenship will be required to take the new test.

This Backgrounder examines the motivations for revising the test, provides an overview of the test redesign process, reviews limited data on applicant test performance during pilot testing, and provides policy recommendations moving forward. The Backgrounder also examines whether the redesigned test meets the government's goal of providing (1) a more meaningful opportunity for applicants to demonstrate knowledge about US history and civics; and (2) a test that is more standardized in its administration.

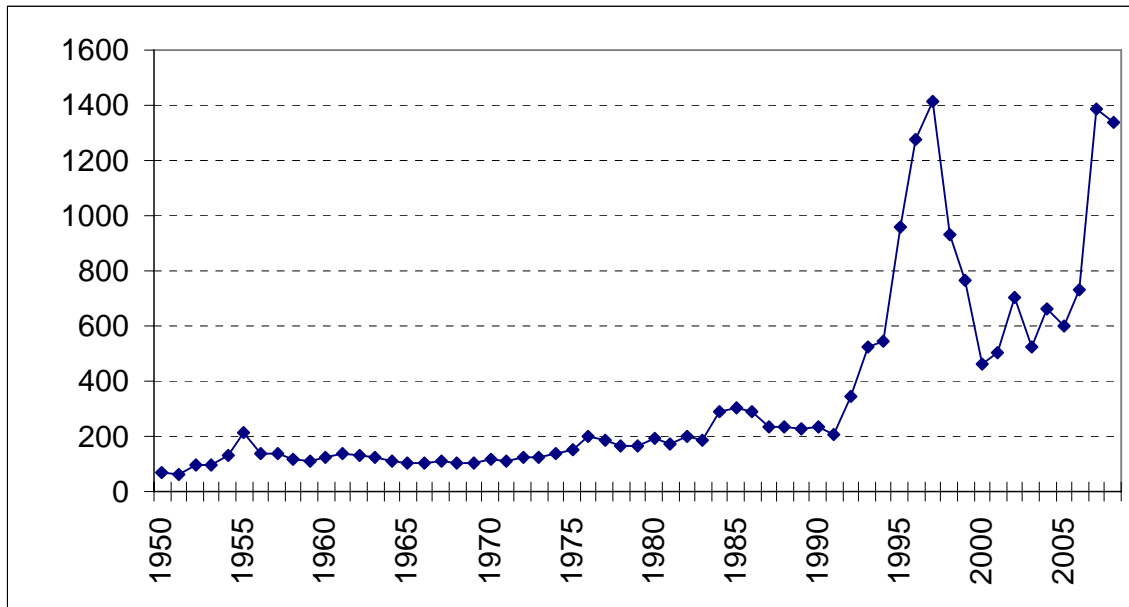
<sup>1</sup> Michael Fix, "Immigrant Integration and Comprehensive Immigration Reform: An Overview," in *Securing the Future: US Immigrant Integration Policy, A Reader*, ed. Michael Fix. (Washington, DC: Migration Policy Institute, 2007).

<sup>2</sup> Department of Justice, "DOJ and INS Begin Redesign of Citizenship Program: Coopers and Lybrand Selected to Lead Effort," (news release, March 20, 1997). <http://www.usdoj.gov/opa/pr/1997/March97/119ag.htm>.

**Introduction**

In 2006, the population of naturalized citizens reached 15.8 million out of a total foreign-born population of 37.5 million.<sup>3</sup> In addition, as of July 2008, approximately 1.2 million immigrants had applications pending with USCIS.<sup>4</sup> Though the number of naturalization applications filed declined slightly in the first seven months of 2008, the number of overall filings remains historically high (See Figure 1).

**Figure 1. Naturalization Application Petitions Filed: 1950 – July 2008**



Sources: Department of Homeland Security, Office of Immigration Statistics, *2007 Yearbook of Immigration Statistics*; and USCIS, “N-400 Naturalization Benefits – Monthly Statistical Report for July 2008”.

Multiple factors led to the rise in citizenship applications in 2007, including a surge in filings prior to a sharp naturalization fee increase that July; increased interest in voting in the November 2008 elections; and citizenship campaigns led by immigrant advocacy groups.<sup>5</sup> The impact of the fee increase cannot be overstated since applicants faced an 80 percent base fee increase from \$330 to \$595. (See Figure 2). It is also possible that some immigrants chose to naturalize in 2007 to avoid taking the new naturalization test.

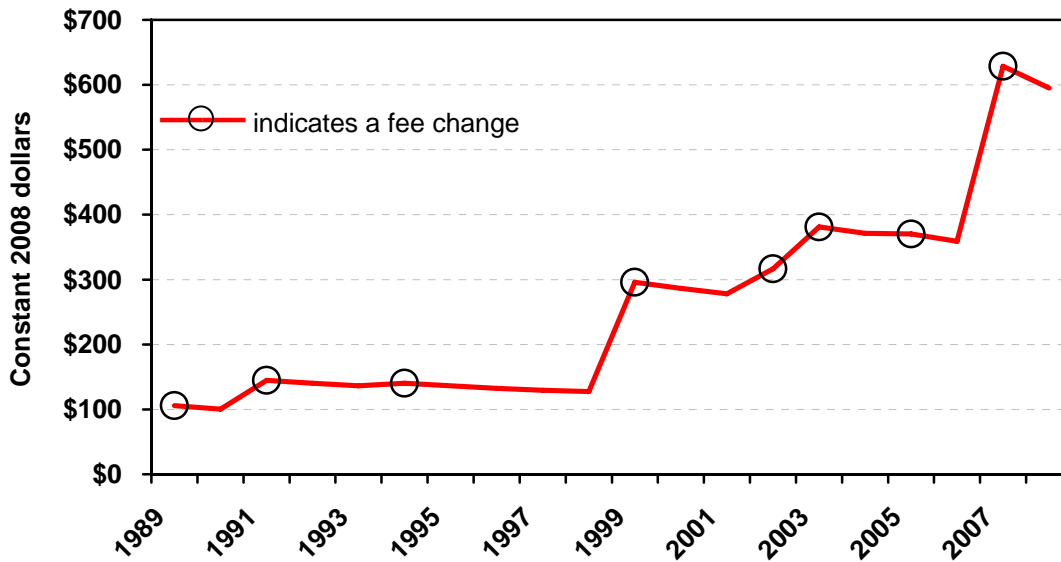
<sup>3</sup> Migration Policy Institute naturalization tabulations of 2006 American Community Survey (ACS) data, <http://www.migrationinformation.org/datahub/acscensus.cfm>.

<sup>4</sup> US Citizenship and Immigration Services, “N-400 Naturalization Benefits – Monthly Statistical Report for July 2008,” [http://www.uscis.gov/files/article/N-400%20NATURALIZATION%20BENEFITS\\_July08.pdf](http://www.uscis.gov/files/article/N-400%20NATURALIZATION%20BENEFITS_July08.pdf).

<sup>5</sup> Claire Bergeron and Jeremy Banks, “Behind the Naturalization Backlog: Causes, Context, and Concerns,” Fact Sheet No. 21 (Washington, DC: Migration Policy Institute, February 2008).

With such a large number of immigrants waiting to fulfill the requirements of an increasingly costly citizenship process, any change in the test’s English and civics portion—a prerequisite for naturalization<sup>6</sup>—requires further examination to determine whether it will affect passage rates or processing times.

**Figure 2. Base Naturalization Application Fee in Constant 2008 Dollars**



Source: Julia Gelatt and Margie McHugh, “Immigration Fee Increases in Context,” Fact Sheet No. 15 (Washington, DC: Migration Policy Institute, February 2007).

### What’s New?

The most significant change to the naturalization test is the new civics portion. As before, applicants must correctly answer six out of ten questions drawn from a master list of 100 civics questions and answers. However, the 100 questions have undergone a significant overhaul with an emphasis on civics and history topics rather than the general topics in the previous exam.<sup>7</sup> A textual analysis of the new test by a legal scholar finds that it covers more historical ground, presents new items about women and Native Americans, tests geography, and emphasizes core concepts of American democracy such as self-government, First Amendment freedoms, and the rule of law.<sup>8</sup> Moreover, in comparison with the old test, the new test has 31 more questions where an applicant can offer more than one possible answer.

<sup>6</sup> Applicants over the age of 50 may be exempt from the English portion of the naturalization test if they have lived in the United States as a permanent resident for a significant amount of time. However, they must still take the civics portion of the test in their native language. Immigration and Nationality Act (INA) § 312(b).

<sup>7</sup> US Citizenship and Immigration Services, “Fact Sheet: USCIS Naturalization Test Redesign,” (USCIS: January 22, 2007), <http://www.uscis.gov/files/pressrelease/natztestfs.pdf>.

<sup>8</sup> Julian Wonjung Park, “More Meaningful Citizenship Test? Unmasking the Construction of a Universalist, Principle-Based Citizenship Ideology,” in *California Law Review* 96 (2008): 999-1032.

The reading and writing portion of the new test is similar to the old test. Applicants are given up to three chances to correctly read and write a sentence in English. However, USCIS has provided an updated vocabulary list with more civics-based words such as “freedom of speech” and “American flag.”<sup>9</sup>

USCIS has issued internal policy guidance for the new naturalization test and is scheduled to complete all training of USCIS employees charged with administering the naturalization test and their supervisors by December 1, 2008.<sup>10</sup>

### **What is the Citizenship Test?**

Until Congress passed the Naturalization Act of June 29, 1906, both state and federal courts had the authority to confer citizenship.<sup>11</sup> Prior to 1906, there was considerable variation in the process and conferral of citizenship. Each court employed its own standards for naturalizing applicants and no central federal agency provided guidance in enforcing the naturalization statutes.<sup>12</sup> For the first time, the 1906 Act formalized forms, fees, and procedures; restricted the authority to grant or deny citizenship to federal courts; and centralized the process of administrative supervision over naturalization under one federal agency, formerly the Bureau of Immigration and Naturalization in the Department of Commerce and Labor.<sup>13</sup> The Act also established the first statutory requirement of English ability for immigrants seeking to gain US citizenship.<sup>14</sup> Congress enacted naturalization-related legislation in 1940 and again in 1952, with the Immigration and Nationality Act of 1952 providing much of the guidance with respect to today’s requirements for US citizenship.

In general, in order to gain US citizenship, an adult lawful permanent resident must reside in the country for at least five years (three years if married to a US citizen), be of good moral character, and pass a basic English proficiency and US civics test.<sup>15</sup> Typically, applicants submit documents supporting their qualifications for citizenship by filing an N-400 Application for Naturalization. Applicants are subsequently fingerprinted and a criminal background check is performed using both USCIS and FBI databases. If an applicant passes the background check, he or she is scheduled for an interview with a USCIS adjudicator. The adjudicator performs two tasks during the interview: (1) verifying the accuracy in the N-400 application; and (2) testing the applicant’s ability to read, write, and speak English and administering an oral US civics test. If an applicant fulfills the requirements for citizenship, including passing the English and civics

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<sup>9</sup> US Citizenship and Immigration Services, “Fact Sheet: USCIS Naturalization Test Redesign.”

<sup>10</sup> US Citizenship and Immigration Services, Office of Communications and Community Relations, “Questions: Naturalization Test Rollout Stakeholder Meeting,” (published meeting notes, September 2008), [http://www.uscis.gov/files/nativedocuments/Stakeholder%20Questions\\_OCC%20comments\\_09-02-08.pdf](http://www.uscis.gov/files/nativedocuments/Stakeholder%20Questions_OCC%20comments_09-02-08.pdf).

<sup>11</sup> Charles Gordon, Stanley Mailman, and Stephen Yale-Loehr, “Naturalization Process, In General” in *Immigration Law and Procedure* § 94.01, (Matthew Bender, 2008).

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> Juan F. Perea, “Demography and Distrust: An Essay on American Languages, Cultural Pluralism, and Official English,” in *Minnesota Law Review Volume 77* (1992): 269-373.

<sup>15</sup> Immigration and Nationality Act (INA) §§ 312, 316, 324, 334.

test, he or she receives US citizenship upon taking a formal oath of citizenship in a public ceremony administered by USCIS or an eligible federal court.<sup>16</sup>

Efforts to redesign the test, which had not been substantively changed since 1986, have focused on the English and civics requirements. Under the test used prior to October 1, 2008, a USCIS adjudicator would test an applicant's understanding of the English language by asking questions from the naturalization application (e.g. Where do you live? How many children do you have?). The adjudicator would then provide up to three chances for an applicant to correctly read *and* write a sentence in English. To test an applicant's knowledge of US civics, the adjudicator would ask ten questions from a prepared list of 100 US government and history questions. An applicant passed the test if he or she answered six out of ten questions correctly. Items on the exam's civics portion typically were questions where the answer was certain and indisputable (e.g. What are the colors of the flag? Can you name the 13 original states? Who has the power to declare war?). The 100 questions and answers to the old test were available on the USCIS website in English and in other languages, as are the new test questions and answers.

### **Substance and Standards: Motivations for Redesigning the Citizenship Test**

In the last decade, two recurring concerns surfaced with respect to the citizenship test: (1) its substance or “meaningfulness”; and (2) the need to standardize the process of administering the test. Emphasis on the substance and standardization of the exam was spurred, in part, by the US Commission on Immigration Reform and its Report to Congress in 1997.

The Commission, a bipartisan panel charged with reviewing and evaluating the implementation and impact of US immigration policy from 1990 to 1997, supported ten changes to the naturalization process.<sup>17</sup> Some of its recommendations included improving the processing of fingerprint fees, revising the naturalization oath, and establishing clear waiver guidelines. However, the Commission's most resonant suggestion was to improve “the mechanisms used to demonstrate knowledge of US history, civics, and English competence.”<sup>18</sup> This recommendation focused both on the substance of the exam as well as test administration.

In terms of substance, the Commission criticized the test for inadequately assessing an applicant's meaningful knowledge of US history and civics, and his or her ability to communicate in English. Applicants could pass the test by relying on “memorization of discrete facts rather than on substantive understanding of the basic concepts of civic participation.”<sup>19</sup> The Commission also was concerned that test administration varied by INS district office and that these inconsistencies were confusing to applicants and “undermine[d] public confidence in the naturalization process.”<sup>20</sup> To this end, the Commission suggested standardizing test procedures and enlisting the help of educators, pedagogical experts, standardized test providers, and other

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<sup>16</sup> Immigration and Nationality Act (INA) § 337.

<sup>17</sup> US Commission on Immigration Reform, *Becoming an American: Immigration and Immigrant Policy* (Washington, DC: US Government Printing Office, 1997).

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*

stakeholders to develop a new history/civic test.<sup>21</sup> Subsequent government reports from the Department of Justice Office of Inspector General (2000) and the Department of Homeland Security Office of Inspector General (2005) echoed the Commission's need for a revised and "meaningful" test, and standardized instruments, protocols, or other scoring systems.<sup>22</sup>

While the Commission was meeting, the INS had embarked on a parallel examination of the naturalization process. By the time the Commission's Report to Congress was released, INS had already subcontracted with Coopers and Lybrand, an accounting and consulting firm, to reengineer the naturalization process, including test redesign.<sup>23</sup> Although concern about the substance and standardization of the test arose in 1997, the redesign effort was not officially launched until 2000 by the Office of Field Operations.<sup>24</sup> The redesign initiative was moved to the Office of Citizenship in 2005. (*See Appendix I*)

### **Redesigning the Citizenship Test**

In addition to USCIS staff and contractors, numerous entities were consulted during the process of revising the citizenship test. *Appendix I* provides a timeline that traces major actors and developments during the test revision process. This Backgrounder focuses on three groups that played significant roles in informing the redesign: a stakeholder working group, the National Academy of Sciences (NAS), and the US Department of Homeland Security Office of the Inspector General (OIG).

#### *Involving Key Stakeholders*

From a very early point, USCIS sought to engage citizenship service organizations and other stakeholders in revising the citizenship test.<sup>25</sup> Soon after USCIS awarded a contract to MetriTech, Inc. in 2002 to restructure the administration and substance of the test, the company invited stakeholders to provide input on what the test should include and the appropriate level of difficulty or understanding for the test.<sup>26</sup> Stakeholders were also invited in to attend a review of sample test questions and the accompanying draft study guide in July 2002.<sup>27</sup> The test redesign project leader met regularly with a small working group of about ten citizenship service providers, ethnic-based service organizations, and state immigration coalitions among them the Catholic Legal Immigration Network, Inc. (CLINIC), the National Association of Latino Elected and Appointed Officials (NALEO), the New York Immigration Coalition (NYIC), the Illinois Coalition for Immigrant and Refugee Rights (ICIRR), and the Hebrew Immigrant Aid Society (HIAS).<sup>28</sup>

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<sup>21</sup> Ibid.

<sup>22</sup> US Department of Justice, Office of the Inspector General, *An Investigation of the Immigration and Naturalization Service's Citizenship USA Initiative, Special Report*, (Washington, DC: US Department of Justice, July 2000); Department of Homeland Security, Office of Inspector General, *Letter Report: Citizenship Test Redesign*, (Washington, DC: US Department of Homeland Security, June 2005).

<sup>23</sup> US Department of Justice, "DOJ and INS Begin Redesign of Citizenship Program."

<sup>24</sup> US Citizenship and Immigration Services, "Fact Sheet: USCIS Naturalization Test Redesign."

<sup>25</sup> Jeff Chenoweth and Laura Burdick, *A More Perfect Union*, (Washington, DC: Catholic Legal Immigration Network, Inc., January 2007).

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

In the past, stakeholders had raised concerns about the lack of consistency in test administration across district offices and among different adjudicators; however, “service organizations never complained that the test lacked meaningfulness or called for the creation of a new citizenship test.”<sup>29</sup> Instead, stakeholders were concerned about how a new test might affect vulnerable populations. For example, previous studies had shown that of the 7.9 million legal permanent residents (LPRs) who were eligible to naturalize but who had not done so, 60 percent were limited English proficient (LEP) and 1.4 million had less than a ninth grade education.<sup>30</sup> Given this demographic profile, stakeholders were understandably concerned that in revising the citizenship exam, the test might exceed the current statutory requirement that an applicant need only read and write “simple words and phrases” in English and that the new test would prove to be too difficult for vulnerable populations such as the elderly, the disabled, and immigrants who are low-income, low-literate, and/or limited English proficient.<sup>31</sup>

As part of a larger report on citizenship, CLINIC released a dozen recommendations to guide the test redesign. (*See Appendix I*). One of its recommendations was that the new test’s failure rate must be the same as the old test’s failure rate. At least on this point, the citizenship service organizations succeeded by having USCIS commit to the goal of designing a new test that would be no more difficult than the previous version.<sup>32</sup> However, as the OIG report notes, “[w]ithout detailed information on current test performance, there is no established baseline against which to compare the new tests’ degree of difficulty.”<sup>33</sup> Citizenship service organizations continue their advocacy for the new exam to be fairly administered and implemented. For example, the NALEO Education Fund has prioritized monitoring whether adjudicators are (1) sufficiently trained on the new test, (2) following scoring guidelines for the exam’s reading and writing sections, and (3) fairly administering the speaking portion of the exam.<sup>34</sup>

#### *Soliciting independent and professional advice*

While service organizations provided substantive input on the content and administration of the new test, USCIS approached the National Academies, specifically the Board on Testing and Assessment (BOTA) of the National Research Council (NRC) to request independent advice about the *process* of redesigning the test.<sup>35</sup> In 2004, the Board formed a Committee on the US Naturalization Test Redesign that was charged with helping USCIS “optimize the validity, reliability, and fairness of the redesigned naturalization test.”<sup>36</sup> The Committee was also charged with assessing the processes used to develop and evaluate the new testing program prior the new

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<sup>29</sup> Ibid.

<sup>30</sup> Michael Fix, Jeffrey S. Passel, and Kenneth Sucher, *Trends in Naturalization* (Washington, DC: The Urban Institute, 2003).

<sup>31</sup> Chenoweth et al., *A More Perfect Union*.

<sup>32</sup> Office of Inspector General, *Letter Report: Citizenship Test Redesign*.

<sup>33</sup> Ibid.

<sup>34</sup> National Association of Latino Elected and Appointed Officials Education Fund, *NALEO Policy Update: USCIS to Administer Redesigned Naturalization Exam Starting October 1, 2008* (Washington, DC: NALEO Education Fund, September 12, 2008).

<sup>35</sup> Committee on the US Naturalization Test Redesign, Board on Testing and Assessment, Center for Education, Division of Behavioral and Social Sciences and Education, National Research Council. *Redesigning the US Naturalization Tests: Interim Report*. (Washington, DC: The National Academies Press, 2004).

<sup>36</sup> Ibid.

test's release.<sup>37</sup> Committee members included experts in psychometrics, demography, history, measurement, political science, and English language acquisition.<sup>38</sup>

The Committee emphasized the need for an “open, transparent, and accountable” process given the high stakes involved in the test and the potential for controversy.<sup>39</sup> After two meetings, the Committee felt the need to issue an interim report because of concerns about major elements of the redesign process.<sup>40</sup> The report identified three significant problems:

- the redesign process lacked a clear statement of the purpose of the tests, the content to be tested, and inferences about the test takers;
- the redesign process lacked a coherent research and test development plan for collecting the necessary data to build a valid, reliable, and fair test; and
- USCIS planned to make pass/fail decisions on awarding citizenship based on pilot questions that included items that were being tested for the first time.<sup>41</sup>

The Committee then issued four recommendations that addressed these problems (*See Appendix III*).<sup>42</sup> The Committee based their findings and recommendations on the *Standards for Educational and Psychological Testing* and their recommendations focused on creating a multitiered advisory structure to provide oversight into the naturalization redesign process; establishing a detailed test development plan; developing content frameworks through a transparent and accountable process; and, instituting a mechanism for setting standards for the new test. The Committee also discussed three “tensions” inherent in the redesign process:

- wanting to make the redesigned testing process more standardized while also providing the flexibility to give “due consideration” (as required by current federal regulations) to an applicant's particular background and circumstances;
- wanting to make the redesigned test more “meaningful” without making the test more difficult and reducing the number of applicants who can pass; and
- balancing the law's requirement that applicants need to demonstrate only simple English skills with the desire to have applicants demonstrate knowledge of the fundamentals of US history and government.<sup>43</sup>

Three months after the release of the Committee's report, USCIS terminated the NRC contract. USCIS was concerned that implementing the recommendations—such as creating an open advisory structure—would unnecessarily delay their plans to implement the new test in January

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<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Stuart Elliot, Naomi Chudowsky, Barbara S. Plake, and Lorraine McDonnell, “Using the *Standards* to Evaluate the Redesign of the US Naturalization Tests: Lessons for the Measurement Community,” in *Educational Measurement: Issues and Practice* (Fall 2006).

<sup>41</sup> Committee on the US Naturalization Test Redesign, *Redesigning the US Naturalization Tests: Interim Report*, Stuart Elliot et al., “Using the *Standards* to Evaluate the Redesign of the US Naturalization Tests.”

<sup>42</sup> Ibid.

<sup>43</sup> Stuart Elliot et al., “Using the *Standards* to Evaluate the Redesign of the US Naturalization Tests.”



2007.<sup>44</sup> Consequently, the Committee was not able to conduct the second stage of their project—an assessment of the processes used to develop and evaluate the new test.<sup>45</sup>

*Cautions from the Office of the Inspector General*

The BOTA Committee was not the only organization monitoring USCIS' redesign process. The Department of Homeland Security's Office of Inspector General (OIG) met with USCIS officials, monitored naturalization interviews, reviewed documentation, and attended public sessions of the BOTA Committee between December 2004 and 2005.<sup>46</sup> The OIG issued a letter report on Citizenship Test Redesign in June 2005.

The OIG agreed with BOTA's recommendation to create an open, transparent, accountable, and technically sound redesign process. However, the OIG also supported USCIS' decision to find an alternative to the test development process suggested by the BOTA Committee.<sup>47</sup> The OIG noted that any advisory structure would have to adhere to Federal Advisory Committee Act (FACA) standards and the time and cost of maintaining an advisory structure in compliance with FACA would simply delay the redesign process. In fact, the OIG report focused on timeliness and financial considerations as one of three challenges in the naturalization test redesign process. The remaining challenges included interim test administration and technical/policy challenges.<sup>48</sup>

The technical/policy challenges identified by the OIG were the same three tensions identified by the BOTA Committee above: (1) balancing standardization against "due consideration" requirements; (2) reconciling legal requirements for applicants to speak, read, and write English at an "ordinary usage" level with the need for applicants to demonstrate knowledge of complex US civics concepts; and (3) achieving "meaningful" change without affecting testing difficulty.<sup>49</sup> On this last point, the OIG was particularly resolute in inquiring how USCIS could meet its goal of maintaining the same passage rate without having information on how different populations performed under the existing test. The report concluded by urging USCIS to "better communicate why it is seeking to reform the current tests when it is not seeking any change in the bottom-line impact the tests have on which applicants or what proportion of applicants pass the test."<sup>50</sup>

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<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Office of Inspector General, *Letter Report: Citizenship Test Redesign*.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

### **On Track Towards a New Test**

In October 2005, USCIS contracted with the American Institutes for Research (AIR) to assist with the development, pre-implementation, implementation, and post-implementation phases of the redesigned citizenship test. USCIS also consulted with an adult education technical advisory group affiliated with Teachers of English to Speakers of Other Languages (TESOL) that suggested developing testing materials targeted at the high-beginning English level.<sup>51</sup> By November 2006, the Office of Citizenship was ready to pilot the redesigned citizenship test.

#### *Results from the Pilot and Supplemental Test*

In February 2007, USCIS introduced a pilot program for the redesigned test at ten sites across the country:

- Albany, NY
- Boston, MA
- Charleston, SC
- Denver, CO
- El Paso, TX
- Kansas City, MO
- Miami, FL
- San Antonio, TX
- Tucson, AZ
- Yakima, WA

Applicants were given the option of choosing the existing or the redesigned exam. Less than one third of applicants (32.7 percent) volunteered to take the pilot.<sup>52</sup> The volunteer rate was highest amongst immigrants who came from Oceania, North America, and Africa but was lower for immigrants from Central America and the Caribbean.<sup>53</sup> Of the volunteers, 92.4 percent (or 6,254) passed.<sup>54</sup> The pass rate was lower for Central American immigrants (85.1 percent) but remained over 90 percent for immigrants from all other regions.<sup>55</sup>

USCIS then conducted a supplemental study at 64 adult education sites nationwide to assess the performance of LEP individuals on proposed civics questions.<sup>56</sup> Supplemental study participants were individuals enrolled in English as a second language (ESL) classes who possessed low-beginning to high-beginning levels of English comprehension.<sup>57</sup> Unlike the pilot study, supplemental study participants were not volunteers, did not undergo the entire citizenship

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<sup>51</sup> Chenoweth et al., *A More Perfect Union*.

<sup>52</sup> U.S. Citizenship and Immigration Services, "Naturalization Pilot Test Pass & Volunteer Rates," (distributed prior to USCIS meeting on September 27, 2008, on file with author).

<sup>53</sup> *Ibid.*

<sup>54</sup> *Ibid.*

<sup>55</sup> *Ibid.*

<sup>56</sup> US Citizenship and Immigration Services, *Naturalization Test Redesign Project: Civics Item Selection Analysis*, January 2008.

<sup>57</sup> *Ibid.*

interview, and had only indirect access to study materials.<sup>58</sup> USCIS released the range for how an applicant performed on each question according to the following intervals:

- Low (<25 percent)
- Medium low (25.0-49.9 percent)
- Medium high (50.0-74.9 percent)
- High (75.0-100 percent)

By and large, LEP individuals scored at least one interval lower on 48 of the 99 questions posed, and scored two or more intervals lower on 39 of the 99 questions posed.<sup>59</sup> Although the Chief of the Office of Citizenship explained that LEP individuals “had the same problems or difficulty with the same questions that main pilot participants had a problem with,”<sup>60</sup> the magnitude of difficulty for LEP individuals was clearly higher for some questions. Yet, accurate comparisons between the pilot group and the LEP group are difficult without the same parameters in effect (e.g. all participants required to take the new test, full citizenship examination environment, similar access to study materials). Detailed pass rates under the old test have not been released, underscoring the inability to assess whether the new test is more difficult for certain populations than the previous test. Therefore, it is imperative that USCIS collect and share data on the performance of LEP individuals and other vulnerable groups under the old and new test.

### **Does the New Test Deliver?**

It remains unclear if USCIS has addressed all the challenges raised by both the BOTA Committee and the OIG report. In terms of balancing standardization against “due consideration” requirements, USCIS has employed standardized weighting techniques to ensure that the ten questions asked of an applicant will be at the same cognitive and language level regardless of adjudicator or district office.<sup>61</sup> Arguably, the application of weighting techniques to the civics test removes an adjudicator’s ability to exercise due consideration by removing an examiner’s ability to make the test more easy or difficult depending on the applicant. However, there has been no change in an adjudicator’s exercise of due consideration under the speaking, reading, or writing portion of the new test. As with the old test, adjudicators exercise due consideration on these test areas on a case-by-case basis and can do so through the choice of subject matter, the phrasing of questions, and the evaluation of applicant responses as provided by regulation.<sup>62</sup>

Until data are released on the actual performance of LEP individuals on the revised citizenship test, it is still too early to tell if USCIS was able to reconcile the requirement that applicants need

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<sup>58</sup> Ibid.

<sup>59</sup> USCIS did not ask the full 100 questions to English Language Learners because one question, “What ocean is on the East Coast of the United States?” was deemed sufficiently similar in grammatical structure and vocabulary as another piloted question, “What ocean is on the West Coast of the United States?” Results presented are the result of the trial and, if applicable, re-trial of the item. If a question was re-tried, the final passage rate from the re-trial was used.

<sup>60</sup> US Citizenship and Immigration Services, “Pen and Pad: New Naturalization Test,” (press conference transcript, September 27, 2007), [http://www.uscis.gov/files/pressrelease/natzrndtbl\\_72sep07.pdf](http://www.uscis.gov/files/pressrelease/natzrndtbl_72sep07.pdf).

<sup>61</sup> US Citizenship and Immigration Services, “Fact Sheet: USCIS Naturalization Test Redesign.”

<sup>62</sup> US Citizenship and Immigration Services, Office of Communications and Community Relations, “Questions: Naturalization Test Rollout Stakeholder Meeting.”

only speak, read, and write English at the “ordinary usage” level with the need for test applicants to demonstrate knowledge about complex US civics items. Content for the redesigned test and the accompanying study materials are targeted at the high-beginning National Reporting System (NRS) level.<sup>63</sup> At this level, individuals can understand common words, simple phrases, and sentences containing familiar vocabulary, spoken slowly with some repetition. Individuals can respond to simple questions about personal everyday activities, and can express immediate needs, using simple learned phrases or short sentences. Individuals can also read most common words although writing may show limited control of basic grammar.<sup>64</sup>

However, stakeholders remain concerned that the study materials and suggested activities appear to be at an advanced NRS level, three levels higher than the high beginning level.<sup>65</sup>

### **Conclusion**

USCIS stated that its goal was to make the test ““more meaningful by making it more useful or important to those about to become a new citizen.””<sup>66</sup> Consequently, USCIS focused not only on the test but also issued a range of materials designed to inform and aid applicants studying for the test (e.g. flashcards, the 100 questions and answers, and a guide called *Learn about the United States: Quick Civics Lessons*). USCIS would likely point to the results of their pilot test as an indication that they were able to make a more meaningful test without affecting test difficulty, but only a third of the eligible applicants volunteered to take the pilot test; and a more accurate assessment of the new test’s difficulty will emerge only after all applicants are required to take the new test. Therefore, USCIS must collect and disseminate detailed statistical information (age, country of origin, language proficiency) on the passage rate under the new test *and* the old test in order to establish an appropriate baseline for assessing difficulty.

The redesign was not meant to improve the likelihood that vulnerable groups such as LEP, elderly, and disabled individuals would pass the test. Nor was the process meant to make it more difficult for these groups to gain access to citizenship. Instead, the process of evaluating the citizenship test began in 1997 with concerns about whether the test was “meaningful” and whether it was possible to standardize the process of administering the test. As with the old test, judging whether the new test is sufficiently “meaningful” calls for a largely subjective assessment. Applicants who simply want to memorize questions and answers can do so with the new test, albeit with a new list of 100 questions and answers. But, the new test does contain more content, reduces confusing or redundant terms, and has been reviewed by a panel of history and government scholars and ESL teachers. It is still too early to tell if the test will be accepted by academics, the media, and the public as a “meaningful” demonstration of an applicant’s understanding of US history and government.

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<sup>63</sup> Ibid.

<sup>64</sup> US Department of Education, "Implementation Guidelines: Measures and Methods for the National Reporting System for Adult Education," June 2007, <http://www.nrsweb.org/docs/ImplementationGuidelines.pdf>

<sup>65</sup> US Citizenship and Immigration Services, Office of Communications and Community Relations, “Questions: Naturalization Test Rollout Stakeholder Meeting.”

<sup>66</sup> US Citizenship and Immigration Services, “FAQs: USCIS Announces New Naturalization Test,” September 2007, [http://www.uscis.gov/files/nativedocuments/FAQs\\_Redesign\\_Naturalization\\_Test.pdf](http://www.uscis.gov/files/nativedocuments/FAQs_Redesign_Naturalization_Test.pdf).

The process of redesigning the citizenship test does not end on the date of full implementation of the new test, October 1, 2008. Instead, USCIS' redesign team must continue to work with stakeholders, academics, and other experts in monitoring the standardized administration of the test: Are all adjudicators trained in administering the new test? Are adjudicators trained to work with LEP, elderly, or disabled populations? Is a citizenship examination in a district office in Los Angeles conducted in the same manner as one conducted in Miami? Is the passage rate consistent across regions? Is the passage rate consistent by applicants' age, country of origin, or language proficiency? By working with many of the groups consulted during the redesign process on continued oversight and standardization, USCIS can promote greater and wider acceptance of its new citizenship test.

**Appendix I. Naturalization Test Redesign Timeline**

March 1997	Coopers and Lybrand L.L.P. receives an 18-24 month contract from the Immigration and Naturalization Service (INS) in the amount of \$4.3 million for a naturalization reengineering project that has three phases: data-gathering and process redesign, implementation, and evaluation. <sup>67</sup>
September 1997	The US Commission on Immigration Reform issues a report criticizing the naturalization test for not adequately assessing whether applicants have a “meaningful knowledge of US history and civics and are able to communicate in English.” The Commission also notes considerable variation in the administration of the test and calls for uniform standards in the administration of the test. <sup>68</sup>
July 2000	The Department of Justice’s Office of the Inspector General (OIG) releases its final assessment based on “An Investigation of the Immigration and Naturalization Service’s Citizenship USA Initiative”. Among other conclusions, the OIG’s report notes the failure to provide guidance concerning the testing of English and civics during the Citizenship USA initiative. <sup>69</sup>
December 2000	INS issues Policy Memorandum No. 73, Standardization Procedures for Testing Naturalization Applicants on English and Civics <sup>70</sup>
September 2001	INS contracts with MetriTech, Inc., a company specializing in developing tests for schools and motor vehicle departments, to restructure the naturalization test over the next three and a half years. The approximately \$3 million contract requires MetriTech to deliver test content development with input from experts and stakeholders, research and study on test formats and test administration procedures, and pilot testing of sample English test questions. <sup>71</sup>
July 2002	USCIS previews sample test questions and a draft study guide for citizenship service organizations at a bias review. Some stakeholders express concern about the level of difficulty of the questions and send letters to the USCIS director of operations in August 2002. <sup>72</sup>

<sup>67</sup> Department of Justice, “DOJ and INS Begin Redesign of Citizenship Program.”

<sup>68</sup> US Commission on Immigration Reform, *Becoming an American: Immigration and Immigrant Policy*.

<sup>69</sup> US Department of Justice, Office of the Inspector General, *An Investigation of the Immigration and Naturalization Service’s Citizenship USA Initiative, Special Report*, (Washington, DC: US Department of Justice, July 2000).

<sup>70</sup> Immigration and Naturalization Service, *Policy Memorandum 73: Standardization of Procedures for Testing Naturalization Applicants on English and Civics*, (Washington, DC: US Department of Justice, December 2000), <http://cyncyr.net/PeggyDean/pdf/c3DOJPolicyMemo73.pdf>.

<sup>71</sup> Office of Inspector General, *Letter Report: Citizenship Test Redesign*; Chenoweth et al., *A More Perfect Union*.

<sup>72</sup> Chenoweth et al., *A More Perfect Union*.

Summer 2002	USCIS forms a working group of ten citizenship service organizations to provide input to the test redesign process. USCIS also convenes a panel of US history and civics academics and policy experts to provide input into the redesign process and to produce a draft study guide for the history and civics portion of the test. <sup>73</sup>
March – June 2003	The first pilot of the English reading, writing, and speaking portions of the test is conducted in Sacramento, Atlanta, Newark, and two sites in the Los Angeles metropolitan area (Bellflower and El Monte). <sup>74</sup>
August 2003	The citizenship service organization working group receives results of the first pilot and are alarmed to find that 10 percent of those who passed the current test performed poorly on the pilot test, with especially poor performance by applicants who listed Spanish or Vietnamese as their native language. <sup>75</sup>
April 2004	USCIS contracts with the National Research Council (NRC) of the National Academies to review the test redesign process and provide independent advice to assist USCIS and its test development contractor to ensure the validity, reliability, feasibility, and fairness of a redesigned test and provide guidance on the redesign process. The National Academies forms a Committee on the US Naturalization Test Redesign comprising leading academic and policy experts on education, testing, psychometrics, history, and political science. <sup>76</sup>
December 2004	On its own accord, NRC issues an interim report recommending changes to the structure and process of the USCIS test redesign effort. <sup>77</sup>
March 2005	USCIS terminates NRC contract, electing not to fund the second stage of the planned work. <sup>78</sup>
April 2005	USCIS shifts responsibility for test redesign from USCIS operational staff to the Office of Citizenship, announcing a target date of January 2007 as the date for completing test redesign. <sup>79</sup>
June 2005	The OIG issues a letter report on Citizenship Test Redesign noting technical and policy issues that require management attention moving forward on the test redesign process. <sup>80</sup>
Summer 2005	MetriTech's contract with USCIS is completed. <sup>81</sup>
July 2005	The Office of Citizenship releases its Naturalization Test Redesign Project Plan Overview for stakeholder feedback. The plan consists of six phases: discovery, test development, pre-implementation, implementation, and post-implementation. <sup>82</sup>

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> Committee on the US Naturalization Test Redesign, *Redesigning the US Naturalization Tests: Interim Report*.

<sup>77</sup> Ibid.

<sup>78</sup> Chenoweth et al., *A More Perfect Union*; Office of Inspector General, *Letter Report: Citizenship Test Redesign*.

<sup>79</sup> Chenoweth et al., *A More Perfect Union*.

<sup>80</sup> Office of Inspector General, *Letter Report: Citizenship Test Redesign*.

<sup>81</sup> Chenoweth et al., *A More Perfect Union*.

October 2005	USCIS contracts with American Institutes for Research (AIR) to assist with the development, pre-implementation, implementation, and post-implementation phase of the redesigned citizenship test. AIR also collaborates with the pilot study and a supplemental study on the civics portion of the redesigned test. <sup>83</sup>
May 2006	The Office of Citizenship convenes an adult education Technical Advisory Group (TAG) affiliated with Teachers of English to Speakers of Other Languages (TESOL) to examine the English reading and writing portions of the citizenship test. TAG recommends high-beginning ESL level based on Department of Education reporting standards as the most appropriate level for the citizenship exam and consistent with Immigration and Nationality Act requirements. <sup>84</sup>
November 2006	The Office of Citizenship releases a version of the redesigned citizenship test to be piloted in ten randomly-selected local USCIS offices. <sup>85</sup>
February 2007	Pilot testing of the revised citizenship test begins in Albany, NY; Boston, MA; Charleston, SC; Denver, CO; El Paso, TX; Kansas City, MO; Miami, FL; San Antonio, TX; Tucson, AZ; and Yakima, WA. <sup>86</sup>
Spring 2007	USCIS conducts a supplemental study at 64 adult education sites nationwide to assess the performance of English Language Learners on the individual civics test items. <sup>87</sup>
September 2007	USCIS releases the new naturalization test. Applicants are given one year to study for the new exam. However, applicants have the choice to take either the old or new test until October 1, 2008. <sup>88</sup>
October 1, 2008	Redesigned naturalization test is in full effect for any applicant who applies on or after October 1, 2008 or whose initial exam date was on or after October 1, 2008. <sup>89</sup>
December 1, 2008	Date by which all USCIS employees tasked with administering the naturalization test and their supervisors must complete the required revised test training. <sup>90</sup>

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<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.; US Citizenship and Immigration Services, “Questions: Naturalization Test Rollout Stakeholder Meeting.”

<sup>85</sup> Chenoweth et al., *A More Perfect Union*.

<sup>86</sup> US Citizenship and Immigration Services, “Fact Sheet: USCIS Naturalization Test Redesign.”

<sup>87</sup> US Citizenship and Immigration Services, *Naturalization Test Redesign Project: Civics Item Selection Analysis*.

<sup>88</sup> US Citizenship and Immigration Services, “FAQs: USCIS Announces New Naturalization Test.”

<sup>89</sup> US Citizenship and Immigration Services, “Questions: Naturalization Test Rollout Stakeholder Meeting.”

<sup>90</sup> Ibid.



**Appendix II: Recommendations of the Catholic Legal Immigration Network, Inc.**

[excerpted from: Jeff Chenoweth and Laura Burdick, *A More Perfect Union*,  
(Washington, DC: Catholic Legal Immigration Network, Inc., January 2007)]

1. The new citizenship test should adhere to the current statutory requirements for level of difficulty and use of discretion. In particular, it should not exceed the current statutory requirement of evaluating the applicant's ability to read and write "simple words and phrases" and to demonstrate an understanding of the "fundamentals" of history and civics. The revised test should also adhere to the current statutory requirement of not imposing "extraordinary or unreasonable conditions" on an applicant. A test that is considerably longer than the current test or more complex in structure and implementation would impose an unreasonable condition.
2. In the new citizenship test, USCIS must preserve due consideration as provided in current law, and allow officers to use some discretion in testing based on the applicant's background.
3. The new citizenship test should not adversely impact vulnerable applicants, particularly the elderly, disabled, low-income, low-literate, and those who speak limited English. In addition, a new test should not adversely impact any specific ethnic, national, or language group.
4. A new citizenship test must be flexible enough to accommodate applicants with special needs, such as those with disabilities.
5. USCIS should ensure that the new citizenship test does not raise the failure rate and exclude more people from citizenship, but rather provides an opportunity for greater success. The goal of the test redesign process should be to encourage more people to naturalize.
6. At all stages, the citizenship test redesign process must be transparent and open to input by stakeholders, particularly from organizations that provide citizenship services. While keeping the process open to public scrutiny, USCIS must guard it from political interference.
7. The study guide for the new test should be nonpartisan and accessible to applicants at the basic level of English. The guide should emphasize the economic, social, and civic contributions of immigrants to the United States, and should describe the rights and responsibilities of US citizenship, with specific information on opportunities for civic participation. The guide should be available in alternate formats for applicants with disabilities.
8. USCIS's test redesign contractor must have expertise in adult education, adult literacy, and ESL education for adults.
9. The costs of implementing and administering a redesigned citizenship test should not be borne by applicants through higher application fees that would further exclude low-income immigrants from the naturalization process.
10. USCIS must train and monitor officers to ensure the redesigned citizenship test is implemented correctly.
11. USCIS should ensure that the new citizenship test does not create any undue delay in the naturalization process.
12. USCIS should provide funding to service organizations to support English and citizenship test preparation classes as part of the implementation of the new test.

**Appendix III: Recommendations from the  
Committee on the US Naturalization Test Redesign<sup>91</sup>**

1. *USCIS should put in place an advisory structure to advise the agency in making important decisions about the naturalization test redesign.* Because of the need for both political accountability and technical soundness, many high-stakes testing programs such as the SAT or Virginia’s High School Exit Exam employ a multitiered system of advisory bodies. The committee recommended having a multitiered advisory structure that included an oversight committee (constituent group representatives, the public, elected or appointed officials), a technical panel (psychometric and test development experts) and a content panel (experts on history, government and English language).
2. *A detailed plan for test development should be created with help from a technical advisory panel and review by an oversight committee. The research and test development plan should comply with testing standards and should include all of the necessary steps for developing a valid, reliable, and fair test.* The committee noted that widely accepted standards for educational and psychological testing require that the testing program have a sound scientific basis as well as systematic documentation of the approach being followed.
3. *Work on developing the content frameworks (including publishing the history and government framework in the Federal Register) should cease until a clear, transparent, and publicly accountable process is defined and vetted with an oversight group.* Content frameworks are important because they clearly define the knowledge and skills to be measured. This is important for adjudicators who assess whether an individual is qualified to become a US citizen because adjudicators must know what the test is intended to measure in order to evaluate whether an applicant meets the qualification.
4. *After a determination has been made about the various item formats that will be used on the redesigned test, USCIS and its testing contractor should develop a detailed plan for standard setting, with input from the technical advisory group and a final recommendation by the oversight committee.* In the test redesign plans reviewed by the Committee, it was not clear how the final passing scores would be determined or by whom.

This Backgrounder was written by Laureen Laglagaron and Bhavna Devani. For questions or to arrange an interview with a data expert or policy analyst, please contact MPI Director of Communications Michelle Mittelstadt at 202-266-1910 or [mmittelstadt@migrationpolicy.org](mailto:mmittelstadt@migrationpolicy.org). Please visit us at [www.migrationpolicy.org](http://www.migrationpolicy.org).

For more information and data on migration and refugee issues worldwide, visit the *Migration Information Source*, MPI’s bimonthly online journal, at [www.migrationinformation.org](http://www.migrationinformation.org). The Source provides fresh thought, authoritative data from numerous global organizations and governments, and global analysis of international migration trends.

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<sup>91</sup> Committee on the US Naturalization Test Redesign, *Redesigning the US Naturalization Tests: Interim Report*.