

PHOTOCOPY  
RESERVATION

## MEMORANDUM

**To:** Eric Liu  
**From:** Irene Bueno  
**Date:** August 23, 1999  
**Re:** **Citizenship Tests - *New York Times* article**

### INTRODUCTION

This memorandum is in follow-up to a July 5, 1999 *New York Times* article on naturalization tests that the President asked us to review. I reviewed the issues raised in the article, discussed with INS, and have outlined my findings and recommendations in this memorandum.

### ISSUES

The article raises two issues that will be addressed in this memorandum:

- Are the current English and civics tests administered in a fair and consistent manner?
- Do the current English and civics tests accurately demonstrate potential new citizens understanding of the rights and responsibilities of being a citizen?

### BACKGROUND

#### **Current Naturalization Requirements**

The Immigration and Naturalization Service (INS) is responsible for administering the laws granting U.S. citizenship and the process is known as naturalization. To qualify for U.S. citizenship, a legal immigrant:

- must have continuously resided in the U.S. for 5 years (3 years in cases of spouses of U.S. citizens),
- show that have good moral character, demonstrate ability to read, write, speak and understand English; and
- pass an examination on U.S. government and history.

Certain requirements are waived for those who are over 50 years old (and lived in the U.S. for at least 20 years); or 55 years old and lived in the U.S. for 15 years; or have mental or physical disabilities; or served in the U.S. military.

#### **Current English and Civics Tests**

Applicants for naturalization must demonstrate to an INS official during an interview:

- understanding of the English language including an ability to read, write and speak simple words and phrases in ordinary usage in the English language. An INS official may ask the applicant to read, write and speak in English.
- knowledge and understanding of the fundamentals of the history and the principles and form of the U.S. government. The INS has compiled a list of 100 questions that are published. From this list, an INS official will ask the applicant up to 20 questions about U.S. history and civics questions. An example of a civics question is “Who was the sixteenth President of the United States?”\_\_

Classes to prepare applicants for the English and Civics tests are offered by primarily by community based organizations and public adult education programs. The INS generally does not fund these programs. However, a few years ago, the INS and Department of Education contracted with Intelligent Communications to produce videos and booklets on English and civics instruction that enlist the principles of civics to resolve challenges and conflicts in a democratic society and focuses the rights and responsibilities of being a citizen.

### **Criticisms of the Current English and Civics Tests**

As articulated in the *NY Times Article* and by the U.S. Commission on Immigration, and immigrant advocates - the current English and civics tests have been criticized for not being implemented uniformly resulting in failure rates that vary widely across the country. Furthermore, the questions on the civics tests do not constitute a test of applicant’s meaningful knowledge and appreciation of U.S. history and civics.

There are some that argue that the civics test does not require any changes, others are concerned that the test could become too difficult creating a further obstacle to citizenship. Then there are others who advocate that the tests should include topics that prepare applicants to become full participants in U.S. society.

### **PricewaterhouseCoopers (PWC) Report**

As part of reinventing government, the INS contracted with PricewaterhouseCoopers (PWC) to conduct a two-year a review of the entire naturalization process and to develop a new process. This review was completed in December 1998. On the issue of testing, PWC recommends an overhaul of the process including standardized test for all applicants.

PWC recommends that the INS form a “Testing” team that will be responsible for management and development of a standard tests for English and civics. Specially, the team will:

- develop testing objectives for English and civics tests;

Implementation  
CITIZENSHIP  
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- work with an advisory group to develop the topics that applicants will need to know to demonstrate they have the required civics knowledge and understanding; and
- will determine the test formats and process to administer the tests.

Finally, the INS will contract with a testing service to convert this body of knowledge to a pool of standard questions that will be used to create the civic test.

### Current Status of Implementation of PWC recommendations

INS is currently developing a list of body of knowledge that will be included in the civics test and establish objectives for the English test. INS is expected to solicit bids on a test development later this year depending on the funding situation.

### RECOMMENDATIONS

- **Implementation of PWC recommendations** – While INS is implementing the PWC recommendations, I think that DPC can make a stronger push for INS to implement these recommendations. In addition, DPC can work with INS to ensure that test include topics that demonstrate an applicants understanding and appreciation of U.S. civics and principles of democracy. Also, DPC staff should work closely with INS to develop a testing format to ensure the fair and uniform administration of the English and civics tests.
- **English Language/Civics Initiative: Common Ground Partnership** – The President's FY 2000 budget includes a \$70 million proposal for **English Language/Civics Initiative: Common Ground Partnership** that provides funding for English language courses that are linked to civics and lifeskills instructions. Limited English Proficient (LEP) individuals are very interested in learning English but the demand for English as a Second Language (ESL) courses far outweighs the supply. Many including academics and the U.S. Commission on Immigration Reform and more recently, the Advisory Board for One America have recommended programs that provide new citizens with lifeskills and civics instruction. There is support in Congress for funding of this program but to secure funding the Administration needs to make this a high priority in budget negotiations.

Yes -  
STANDARDS  
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+ INS report on new citizenship tests?  
+ Davis + Graham. 2/17.  
+ problems → solutions

August 6, 1999

To: Eric Liu

From: Irene Bueno

RE: **ENGLISH LANGUAGE AND CIVICS EDUCATION INITIATIVE: COMMON  
GROUND PARTNERSHIP**

**Background on the Initiative**

In September 1997, the Commission on Immigration Reform issued a report entitled, *Becoming an American: Immigration and Immigration Policy*. This report called for the Americanization of immigrants as essential to perpetuating an understanding of the basic principles and values of our society. Americanization was proposed as the mechanism for cultivating "... a shared commitment to the American values of liberty, democracy and equal opportunity." The Commission further called for federal, state, and local governments "...to provide renewed leadership and resources to a program to promote Americanization." The Commission recommended that such programs include orientation on mutual rights and responsibilities and information needed for successful integration.

More recently, to meet its goal of assisting new immigrants to become full participants in American life, the Advisory Board for One America, the President's Initiative on Race, recommended strategies to include immigrants into the American community and foster a greater degree of community cohesion. Specifically, the Board recommended the promotion of programs that address rights and duties of citizenship for both immigrants and US-born citizens.

At the same time, immigrants demonstrate high levels of enthusiasm for learning English and participating in civic life; however, the demand for English as a Second Language (ESL) instruction outweighs the current supply. The Department of Education's Adult education programs currently provide funding for ESL instruction -- the fastest growing component of adult education. Enrollment in ESL has increased 105 percent over the past ten years (in 1997, the ESL enrollment was 1.85 million). For example, Los Angeles has a waiting list of 50,000 people for ESL classes; Chicago's ESL programs are filled to capacity as soon as they open their doors; and, New York State has resorted to a lottery system to select individuals who wish to learn English. Also, more targeted services are needed to meet the overwhelming demand for both ESL and civics instruction.

The President's **English Language/Civics Initiative: Common Ground Partnership** is a response to this Commission's recommendations and the need for expanded ESL by integrating ESL with the life skills to help people adapt to life in America. The initiative also provides resources directly to some community-based groups that may not receive existing funds and may be better equipped to serve the target population with both ESL and civics instruction.

## **Best Practices**

I have found examples of ESL programs that work to help immigrants learn English and get better jobs. I also have found examples of civics programs that work. However, there is a dearth of programs that combine both these aspects.

### **Office of Refugee Resettlement**

The Office of Refugee Resettlement (ORR) within the Department of Health and Human Services (HHS) currently funds civics and citizenship education programs and English training and literacy programs that provide services to newly arriving refugees under the Community and Family Strengthening Program. These programs are public/private partnerships between state and local governments and community based organizations. The design of the program is based on the needs of each community. However, this program is limited to newly arriving refugees – who account for about 10 percent of the total immigrant population. An example of a program funded by ORR is the Refugee Employment and Education Program (REEP) program in Arlington, Virginia that has been teaching civics and preparation for citizenship to immigrants and refugees for the past 10 years.

### **Department of Education**

The Department of Education currently funds a \$365 million Adult Education basic grant program to states, of which state have chosen to target \$166 million to ESL. Examples of programs funded by the Adult Education program include the following:

- *International Institute of Rhode Island in Providence, Rhode Island.* This program uses a classroom-based approach with teachers and volunteers working with the students. A computer assisted instructional lab is available to assist students. Students learn how to explain and respond to the N-400 Citizenship application, read and interpret information on U.S. history and government, and how to become responsible and active citizens.
- *Sweetwater Adult Resource Center in Chula Vista, California.* This program helps older students affected by welfare reform to obtain citizenship and worked with 37 agencies in partnerships to provide English literacy and citizenship instruction and services. There was collaboration from the INS for the oath ceremony that is usually held at a local high school.

In addition, the Department is currently drafting a grant announcement for an additional \$7 million for ESL/Civics adult education programs. The Department expects to award the funds in March.

### **Department of Justice/Immigration and Naturalization Service**

The INS has provided funding to Intelligence Telecommunications (INTELECOM), a non-profit organization, to produce two sets of video series. "Crossroads Café" teaches English and American culture. "On Common Ground" teaches civics to immigrants. These two series together help immigrants to learn English and civics. INTELECOM is releasing a new video on September 17, 1999, Citizenship Day and have invited the INS Commissioner and Secretary Reilly to participate in an event releasing the video.

### **Jane Addams School for Democracy**

The Jane Addams School for Democracy in St. Paul, Minnesota is a community-based initiative in which Hmong and Latino immigrants and their children partner with college students to do public work projects, as well as conduct more typical language and citizenship courses. Nearly 200 people are involved in the public work projects that immerse new immigrants into the community so they learn -- and teach -- through active participation. The message: participatory skills, more than facts for a citizenship exam, integrate new immigrants into a civic life that promotes a two-way cultural exchange. New citizens and other residents collectively develop projects, and all learn from and teach each other. Projects include: community gardens and murals, plays, book publication, diversity festivals, Hmong and Latino cooking and storytelling, museum trips, voter registration, series of government speakers (including INS and local officials), and health outreach campaigns.

### **Event Ideas**

- (1) On or around Citizenship Day – September 17, 1999 - the President could participate in a swearing-in ceremony for individuals who are becoming new U.S. citizens. The President could swear in new citizens, discuss the importance of all Americans to be involved in civics and exercise their rights as Americans and give the President an opportunity to raise awareness about the new **English Language and Civics Initiative: Common Ground Partnerships**. There is a swearing-in ceremony scheduled in Baltimore for about 350 people scheduled on this date. However, there may be other swearing in other nearby cities such as Philadelphia.
- (2) On Citizenship Day, the President could participate in the release of the *On Common Ground* video series and discuss the importance of all Americans to be involved in civics and their community.
- (3) The President could visit a community organization that has a program that includes English language and civics instruction. An example is the **Jane Addams School** in St. Paul, Minnesota or the REEP center in Arlington, Virginia.
- (4) The President could do a radio address in commemoration of Citizenship Day.
- (5) A Presidential proclamation is already being drafted to commemorate Citizenship Day that INS is drafting in response to request from OMB. This proclamation could be released at any of these events.

THE PRESIDENT HAS SEEN  
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What about this?

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cc: Irene  
Eric  
+ return

Look into this, + see  
what we should do.

# Pressed by Backlog, U.S. Rethinks Citizenship Test

Continued From Page A1

By SUSAN SACHS

If all it took to become a citizen was knowing what caused the Revolutionary War, Grigoriy Brekhman would be in luck.

"The taxes were very high and the colonies hated England about the taxes because they had no rights," explained Mr. Brekhman, a 65-year-old immigrant from Ukraine, when the teacher in his citizenship class posed the question last week.

Correct, the teacher said, but not the best response.

"At the interview, they are looking for short answers," she advised her elderly Russian-speaking students at

Bronx House, a Jewish community center. "If you said, 'high taxes,' that would be very good."

Mr. Brekhman is part of the largest group of applicants for citizenship in the nation's history. Altogether, 1.8 million people are waiting to be tested on their knowledge of English, civics and history.

The test is at the core of one of the weightier decisions any nation can make: who should be a citizen?

But for this important judgment, critics say, the Immigration and Naturalization Service relies on a process that is not uniform in content, administration or grading.

Even eager candidates like Mr. Brekhman, in the final analysis, are judged less on their understanding of citizenship and American values than on their ability to memorize a list of names, dates and facts, like the name of the Pilgrims' ship, the author of "The Star-Spangled Banner" and the colors of the flag.

Although officials supposedly work from the same set of 100 history and civics questions, the agency has found that failure rates vary widely across the country. The agency's critics say that is because the way questions are chosen and framed, and the way answers are assessed, depend on the mood, style or locale of the interviewer.

Partly because of a backlog of applications, caused largely by computer problems, that has overwhelmed the naturalization process in the last three years, the I.N.S. is now looking at ways to make the citizenship test more uniform and easier to administer. Inevitably, in

re-examining the mechanics of naturalization, a debate has arisen on the more fundamental issues of what United States citizenship means and what the country should require a new citizen to know.

"It's not a question of making the naturalization process harder or easier," said Noah M. J. Pickus, assistant professor of public policy and political science at Duke University and one of the experts consulted by the I.N.S. "But can we make it more a meaningful, coherent lever for accomplishing the kinds of aspirations we have, not only for immigrants, but also for native-born citizens?"

Immigration agency officials said that over the next few months they would decide what subjects to include in a revised civics and history test and how much applicants should know to pass the language and civics tests. They hope to solicit bids on a test-development contract in the fall.

"We've wanted to open up the issue on all fronts," said Doris M. Meissner, the Commissioner of Immigration and Naturalization. "And it's implicit in our asking the question that we wanted the test looked at, both the way we use it and what we want the test to be."

An applicant for citizenship now is tested for English proficiency and knowledge of the government during an interview with an immigration adjudicator that can range from 15 to 40 minutes. The process includes an oral exam in English on some history and civics topics and questioning about the personal data on the application form. In most cases, the adjudicator also dictates a few sentences in English and has the applicant write them down. The content and conduct of the interview and the judging of the writing are left entirely up to the adjudicator.

A new test will be part of a broader agency effort to streamline and standardize naturalization procedures, at a time when more foreigners than ever are seeking citizenship because of Federal cuts in benefits to noncitizens.

"We're looking for a testing process where there's as much consistency as possible throughout the agency," she said, "and as much preparation by the applicants as possible, so they have the strongest chance of passing it if they prepare."

seeking to restrict immigration, is treading carefully.

Two years ago, the agency hired the consulting firm PricewaterhouseCoopers to poll a broad range of people, including experts in linguistics and civics and Congressional aides, on the same questions of revising the naturalization process.

Its report, which reviewed existing history, civics and English language standards but made no specific recommendations, was completed at the end of 1998. It has not been distributed outside the agency, in part to forestall a possible conservative backlash against tinkering with the process at all.

"In my view, you can ask the same questions today you asked 50 or 100 years ago, because the idea of America is the same as it was 50 or 100 years ago," said Stephen Moore, an immigration analyst at the Cato Institute, a libertarian policy group in Washington. "So I worry about either dumbing it down or updating it."

At the other end of the spectrum are academics and some immigrant advocates who support doing away with as many obstacles to citizenship as possible, although that would require changing the 47-year-old Immigration and Nationality Act.

Dr. Pickus, one of the civics experts contacted by the agency's consultants, contends that more can be accomplished by making naturalization what he calls a transformative experience. Starting a national program of citizenship classes, he said, could help enlighten prospective citizens about their rights and create a sense of identification with their new country and its principles.

"It can play a kind of catalytic role," he said. "Imagine a situation

## Question of Revision Sets Off Alarms

Still, topics like immigration and citizenship tend to set political bells ringing, so the discussion of revising the tests may end as little more than an empty exercise. Ms. Meissner's agency, buffeted both by advocates for immigrants and by conservatives

1/2

The New York Times

MONDAY, JULY 5, 1999

where you had civic education courses that talked not just about the separation of powers, but what to do if your landlord sues you."

The test itself would still be a test. But a reform of the naturalization process should look at more than the test questions alone, he said. "The question is, what should the naturalization process consist of?" he said. "How do we prepare people for citizenship?"

## An Earlier Move To Change the Process

At the turn of the last century, the Progressives' Americanization movement had a similar idealistic mission of creating new citizens, rather than simply testing them, and organized citizenship classes in settlement houses and other private institutions that taught civics and history in immigrants' native languages.

Looking back at the excesses of that movement, many historians now say it evolved into something xenophobic, nativist and coercive. The industrialist Henry Ford, for instance, required his foreign-born employees to attend classes, and the first thing they had to learn was to say, "I am a good American."

After the United States entered World War I, the emphasis of the movement shifted even more, to compelling immigrants to make patriotic oaths. But by the end of World War II, the Progressives' crusade had largely faded.

The objective legal criteria for citizenship have not changed much over the years, except that race and ethnicity restrictions have been re-

placed by national quotas. To qualify, an applicant must have lived in the country as a permanent resident — the requirement now is at least five years — and have no criminal record or affiliation with any organization that advocates the violent overthrow of the Government.

But the more subjective components of naturalization have metamorphosed several times. In the first century after independence, the naturalization process emphasized a loyalty test in which new citizens had to demonstrate their "allegiance to the Constitution" and, later, "their attachment to the principles of the Constitution."

Between the world wars, applicants had to show they were literate by reading at least 40 words in any language, not necessarily English. For a time, it was enough for applicants to bring two citizen witnesses to attest to their character, attitude toward the Government and qualifications for citizenship.

In 1940, the law was changed to require applicants to demonstrate "knowledge and understanding of the fundamentals of the history, and the principles and form of government, of the United States." Twelve years later, a section was added requiring naturalization candidates to show they could read and write "simple words and phrases" in English.

There have been a variety of different tests in use, but since 1986, the immigration service has relied on a set of 100 possible history and civics questions as the guidelines for those who give citizenship interviews. That test, now given orally, serves as a kind of English language test, but language proficiency is generally tested by also having an applicant listen to a dictated sentence or passage and write it down.

The test questions cover basics like the structure of the Federal Government, the cause of the Civil War, the content of the Bill of Rights and the name of the building where the President lives. Other possible questions include the name of the applicant's Governor, the number of stripes on the flag and the name of the first President.

## Seeking the Meaning Behind the Questions

Advocates for immigrants, who worry that a revised test might prove to be a barrier to citizenship, said the test can be useful if it causes immigrants to make an effort to understand the meaning behind the questions.

"Nobody would argue that this is the best test that's ever been devised, but it's not bad," said Gary E. Rubin, director of public policy at the New York Association for New Americans, one of a handful of

groups in New York City that help immigrants prepare for the test.

"The truth is that immigrants who study for the test know how the Government works," he added. "They know why there are three branches of government. They know who can declare war."

The questions touch on many of the topics that are recommended by history and civics educators who developed standards for public school students.

But in the view of some experts contacted by the immigration agency consultants, the questions do not constitute a test of relevant or meaningful knowledge.

"It doesn't test for understanding," said Brenda Bell, an associate director of the Center for Literacy Studies at the University of Tennessee. "There is nothing about the questions that hangs together and lets you know the person understands what it means to be a citizen in this country."

Good citizenship skills, she added, include knowing how to participate in local politics and understanding civic rights and responsibilities. The problem is devising a standard test to assess that. "It's not an easy issue we're talking about here," Ms. Bell said.

At some point in the immigration agency's effort to revamp naturalization testing, it will have to decide whether to continue administering the tests itself. Many immigrant advocates have contended that it should not.

"All I.N.S. officers have enforcement training," said Aliza Becker, an author and independent consultant on immigration issues in Chicago. "This causes many of them to approach the interview with an eye to finding any reason a person can not be naturalized. This is not a problem for the educated, but there are people, like many refugees, who are terrified."

Assessing proficiency in what is called "ordinary English" can be the most arbitrary part of the interview.

For about one-third of those who fail the citizenship test, the language portion is the reason.

"'Ordinary,' in my view, is ordinary life, and what do most people do in their lives?" Ms. Becker said. "They speak. They don't read and write a lot. Of course, I would love to see enough English-training resources made available so that immigrants could learn enough to fully participate in all aspects of civic life. But I don't think it's a fair standard to become a citizen. We don't hold that standard to our own citizens."

## A Quick Rate Of Assimilation

Forgotten in much of the testing debate, however, is the evidence that most newcomers quickly integrate into mainstream American life, even if they do not start out as experts in English or civics.

A study published last week by the Immigration Forum, an advocacy group in Washington, said that more than three-quarters of immigrants spoke English fluently 10 years after arriving in this country and that after 20 years, nearly 70 percent sink down roots in a community by buying their own homes. The study relied on 1990 Census data.

"One does expect them to learn English and they do," said Nathan Glazer, professor emeritus of education and sociology at Harvard. "One does expect them to participate in politics and they do. So one could probably make a case in terms of social trends, that the citizenship test hardly matters."

But the naturalization exam has a value beyond its content, he added.

"I think it has another virtue — the virtue of solemnification, of rebirth that comes with the change of status," Mr. Glazer said. "I think that we have little enough in our lives which mark transitions in a significant way, and I think the requirements make it significant."

2/2

The New York Times

MONDAY, JULY 5, 1999