



U.S. Citizenship and Immigration Services

Laura Patching
Deputy Chief
Office of Citizenship

Legal Framework for Naturalization

Section 312 of the Immigration and Nationality Act (INA)

Section 312 of the Immigration and Nationality Act (INA): specifies that no person shall be naturalized as a citizen of the United States who cannot demonstrate an understanding of the English language and fundamentals of the history and government of the United States.

The INA also provides information on applicant exemptions based on physical and medical conditions as well as certain exemptions for age combined with the amount of time as a permanent resident.

Applicants are exempt from the English requirements, but are still required to take the civics test in their language of choice if, on the date of filing Form N-400, Application for Naturalization, they are:

- Over 50 years of age and have been a permanent resident for 20 years
- Over 55 years of age and have been a permanent resident for 15 years



Legal Framework for Naturalization

Section 312 of the Immigration and Nationality Act (INA)

The INA gives special consideration to applicants 65 years of age who have been a permanent resident for 20 years at the time of filing Form N-400. Special consideration is given to these applicants as they are only required to study a selected 20 of the 100 civics questions. Questions for 65/20 applicants are flagged with an asterisk in the list of redesigned civics test questions publicly released by USCIS.

Applicants with a medical condition so severe that it prevents them from acquiring or demonstrating the required knowledge of English and civics may file for an exception from both the English and civics test.



Legal Framework for Naturalization

Section 312 of Title 8, Code of Federal Regulations (8 CFR)

Part 312 of Title 8, Code of Federal Regulations (8 CFR): governs the educational requirements for naturalization and procedures for testing.

- The civics test is given orally, requiring an oral response.
- The outcome of the speaking portion of the test is determined by the applicant's answers during the N-400 interview.
- An interpreter may be used for applicants qualifying for any of the age and time as resident exemptions.
- Applicants are given 2 opportunities to pass the English and civics tests.
- Applicants seeking a medical exception from both the English and civics requirements must submit a Form N-648 completed by a licensed doctor that explains the applicant's medical condition and inability to learn the educational requirements for naturalization.



The Naturalization Test

English Language



- **Speaking:** The applicant's verbal skills will be determined from the applicant's answers to questions asked by the USCIS Officer during the interview on Form N-400, Application for Naturalization.
- **Reading and Writing:** The English reading and writing tests are designed to infuse civic knowledge into the examination. To reinforce civic learning, the content items for both the reading and writing portions of the examination focus on civics and history topics as subject matter.



Administration of the Test

U.S. History and Government (Civics) Test

- USCIS created standardized test forms for officers to administer. Test forms are weighted so all test versions have the same level of difficulty.
- Applicants will still be required to correctly answer 6 out of 10 questions.
- The civics exam is an oral exam where the applicant will provide an oral response.
- The 100 civics questions and answers are publicly available at www.uscis.gov/newtest.



Administration of the Test

Reading and Writing Test

- USCIS created standardized test forms for officers to administer.
 - Reading and writing items are paired. The reading items are questions and the writing items are the answers to the reading questions.*
 - Vocabulary lists containing the words found on the redesigned reading and writing tests are posted on www.uscis.gov/newtest. The actual sentences will not be available to the public.
- * The applicant is not required to know the answer to the question he or she is reading in the Reading Test. The USCIS Officer will dictate the answer as part of the Writing Test.



Administration of the Test

Scoring Guidelines for the Reading Test

- The USCIS Officer will ask the applicant to read sentences. The applicant must read 1 item out of 3 correctly (same as current test).
- Applicants shall not be failed because of their accent when speaking English. A general description of how the reading test is scored follows:

Pass:

- Reads one sentence without extended pauses
- Reads all content words but may omit short words that do not interfere with the meaning
- May make pronunciation or intonation errors that do not interfere with the meaning

Fail:

- Does not read the sentence
- Omits a content word or substitutes another word for a content word
- Pauses for extended periods of time while reading the sentence
- Makes pronunciation or intonation errors that interfere with the meaning.



Administration of the Test

Scoring Guidelines for the Writing Test

- The USCIS Officer will dictate sentences to the applicant. Applicants are required to write 1 item out of 3 correctly (same as current test).
- An applicant shall not be failed because of spelling, capitalization, or punctuation errors unless the errors would prevent understanding the meaning of the sentence. A general description of how the writing test is scored follows:

Pass:

- Has the same general meaning as dictated sentence
- Some grammatical, spelling, punctuation, or capitalization errors that do not interfere with meaning
- May omit short words that do not interfere with the meaning
- Numbers may be spelled out or written as digits

Fail:

- Writes nothing or only one or two isolated words
- Is completely illegible
- Writes a different sentence or words
- Written sentence does not communicate the meaning of the dictated sentence



Administration of the Test

Speaking Test

An applicant's ability to speak English will continue to be determined by the USCIS Officer from the applicant's answers to questions asked by the USCIS Officer during the interview on Form N-400.

- USCIS Officers will repeat and rephrase questions until the officer is satisfied that the applicant either fully understands the question or does not understand English.
- If the applicant generally understands and can respond meaningfully to questions relevant to the determination of eligibility, the applicant has demonstrated the ability to speak English.



Test Implementation and Evaluation

Full Implementation October 1, 2009

- Records study 2004/2005 84% pass rate
- 92% pass rate
- Ongoing monitoring of test implementation, adjudicator training
- FY 2008 Records study underway (last full year of old test)
- FY 2010 Records study planned (first full year of new test)
- FY 2008 Attitudinal survey of recently naturalized citizens



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