

**IMMIGRATION SERVICES**  
**DIVISION, FIELD OPERATIONS**



**POLICY MEMORANDUM NO. 73**

SUBJECT: Standardization of Procedures for  
Testing Naturalization Applicants on  
English and Civics



U.S. Department of Justice  
Immigration and Naturalization Service

HQ 70/33

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425 I Street NW  
Washington, DC 20536

TO: REGIONAL DIRECTORS  
DISTRICT DIRECTORS  
OFFICERS-IN-CHARGE

FROM: William R. Yates  
Deputy Executive Association Commissioner  
Office of Field Operations  
Immigration Services Division

SUBJECT: Standardization of Procedures for Testing Naturalization Applicants on English and Civics

This memorandum provides guidance to standardize procedures for testing naturalization applicants on English and civics. This memorandum does not reflect a change in regulations. Instead, it is intended to bring more consistency to the way officers test and score applicants who must demonstrate English literacy and civics knowledge.

## **I. General Provisions**

Under 8 CFR 312.5, applicants must be given a second opportunity to pass the tests of English and civics if they fail at the first naturalization examination. Because the test of English literacy is divided into sub-tests of the ability to speak, read, and write, officers must ensure that each applicant receives two opportunities to pass the English tests, in addition to two opportunities to pass the civics test.

### How should I inform an applicant that he or she passed or failed the tests?

Officers are required to complete and provide to each applicant a Form N-652 at the end of each examination, unless a denial notice containing information specified in 8 CFR 336.1(b) is given to the applicant before he or she leaves the final interview. Offices should be using exclusively the N-652 revised on 12/7/99.

TO: Regional Directors  
District Directors  
Officers-in-Charge

Page 2

SUBJECT: Standardization of Procedures for Testing Naturalization Applicants on English and Civics

If an applicant fails the English and/or civics test, when should the second test be given?

An applicant for naturalization who fails the English literacy or history and government test at the first examination will be afforded a second opportunity to pass the test(s), not earlier than 60 days after the first examination (8 CFR 335.3 (b)), but within 90 days after the examination (8 CFR 312.5(a)).

When should I accept a withdrawal?

It is only appropriate to accept a withdrawal if the applicant has been fully informed of and understands the consequences of withdrawing the application from consideration, including the fact that he or she gives up the right to request a hearing under section 336 of the Immigration and Nationality Act (8 CFR 335.10) Officers shall not offer or accept withdrawals from applicants who do not understand English unless they have an interpreter with them and are able to clearly understand the consequences of withdrawing their applications.

## **II. Test of English**

Section 312 of the Immigration and Nationality Act (INA) provides that most applicants for naturalization must demonstrate an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language.

How do I determine an applicant's ability to speak English?

An applicant's verbal skills shall be determined from the applicant's answers to questions normally asked in the course of an examination (8CFR 312.1(c)(1)). In addition, 8 CFR 335.(2)(c) requires officers to repeat and rephrase questions until the officer is satisfied that the applicant either fully understands the question or does not understand English. Although the applicant must be able to communicate in English about his or her application and eligibility for naturalization, the applicant does not need to understand every term, word or phrase on the N-400 application. If the applicant generally understands and can respond meaningfully to questions relevant to the determination of eligibility, the applicant has sufficiently demonstrated his or her ability to speak English.

How do I determine an applicant's ability to read English?

- *Source of testing material:* An applicant's ability to read English is tested using excerpts from one or more parts of the Service authorized Federal Textbooks on Citizenship (Publications M-289 and M-291) written at the elementary literacy level (8 CFR 312.1(c)(2)). Although the Constitution of the United States appears as an appendix in Publication M-289, it is not written at the elementary literacy level; its use as a test of reading would usually fall within the "extraordinary or unreasonable conditions" barred under INA Section 312(a)(1).

TO: Regional Directors  
District Directors  
Officers-in-Charge

Page 3

SUBJECT: Standardization of Procedures for Testing Naturalization Applicants on English and Civics

- *Alternative sources of testing material:* The INS currently uses other bodies of knowledge that have expanded the regulatory sources. Many offices' reading and writing tests no longer focus exclusively on material dealing with U.S. history and government, but are drawn from vocabulary more ordinarily used in everyday situations. These alternative sources are widely available to the public. Therefore, officers are strongly encouraged to select sentences from the "Sample Sentences for Written English Testing," available in the back pocket of *A Guide to Naturalization*. The sentences from the "Everyday Life" column of the Sample Sentences are also available in CLAIMS 4.
- *Length of test:* Each applicant shall be given an opportunity to read up to three sentences, if necessary, but no applicant shall be required to read more sentences than necessary to demonstrate reading ability.
- *Scoring and Passing Score:* An applicant's ability to read shall be sufficiently demonstrated if the applicant can read one sentence in a manner suggesting to the officer that the applicant appears to understand the meaning of the sentence at a general level. When an officer makes a positive determination after hearing the first sentence, the applicant does not need to read a second or third sentence. Applicants shall not be failed because of their accent when speaking English.

#### How do I determine an applicant's ability to write English?

- *Source of testing material:* An applicant's ability to write English is tested using excerpts from one or more parts of the Service authorized Federal Textbooks on Citizenship (Publications M-289 and M-291) written at the elementary literacy level (8 CFR 312.1(c)(2)).
- *Alternative sources of testing material:* As noted in the reading section, officers may also select sentences from the "Sample Sentences for Written English Testing," available in the back pocket of *A Guide to Naturalization*.
- *Length of test:* Each applicant shall be given up to three opportunities to write a sentence, if necessary, but no applicant shall be required to write more sentences than necessary to demonstrate writing ability. The officer shall repeat each sentence clearly if asked or if necessary to ensure that the applicant understands the sentence.
- *Scoring and Passing Score:* An applicant's ability to write shall be sufficiently demonstrated if the applicant can write one sentence that would be understandable as written to a reasonable person. An applicant shall not be failed because of spelling, capitalization, or punctuation errors unless the errors would prevent a reasonable person from understanding what the sentence means.

TO: Regional Directors  
District Directors  
Officers-in-Charge

Page 4

SUBJECT: Standardization of Procedures for Testing Naturalization Applicants on English and Civics

Does this Memorandum change the waivers of the English requirement?

This memorandum does not change the determination of applicants' eligibility for "55/15" or "50/20" waivers. See below for a brief discussion of upcoming changes to disability waiver and accommodations policy.

### **III. Test of U.S. History and Government (Civics)**

Section 312 requires naturalization applicants to demonstrate a knowledge and understanding of the fundamentals of history, and of the principles and form of government of the United States.

How do I determine an applicant's ability to demonstrate knowledge and understanding of the fundamentals of U.S. History and the principles and form of government?

- *Source of testing material:* The scope of the examination shall be limited to subject matters covered in the Service authorized Federal Textbooks on Citizenship, except for the identity of current officeholders (8 CFR 312.2(c)(2)).
- *Alternative sources of testing material:* Officers are encouraged to use the list of 100 questions available in CLAIMS 4 and attached to this memorandum. Because the lists of ten questions in CLAIMS 4 are randomly generated, officers must review each set of questions to determine if the list contains questions that are too complex or advanced for the applicant, taking into consideration the factors in 8 CFR 312.2(c)(2), such as the applicant's education, background, age, length of residence in the United States, opportunities available and efforts made to acquire the knowledge. Officers should continue to test applicants who qualify for 65/20 "special consideration" by using the list of 25 questions developed for this purpose (see attachment).
- *Length of test:* All applicants shall be given 10 questions to complete.
- *Scoring and Passing Scores:* An applicant's knowledge of civics shall be sufficiently demonstrated if the applicant can correctly answer six or more questions. Applicants meeting 65/20 requirements demonstrate sufficient knowledge with six correct answers.

### **IV. Disability Exceptions and Reasonable Accommodations**

#### **A. Disability Waivers**

We are currently in the process of revising Form N-648 Medical Certification for Disability Exceptions to improve the way doctors provide the Service with information about disabilities or impairments that may qualify an applicant for a waiver from the tests of English and civics. We will notify you well in advance of the effective date of the revised form.

TO: Regional Directors  
District Directors  
Officers-in-Charge

Page 2

SUBJECT: Standardization of Procedures for Testing Naturalization Applicants on English and Civics

B. Reasonable Accommodations

We are currently drafting guidance on reasonable accommodations. In the meantime, officers are reminded of the need to respond appropriately to applicants' requests for reasonable accommodations. Applicants need not submit a Form N-648 to make such a request. In particular, officers should be sensitive to requests to alter how different aspects of the tests of English and civics are conducted to give applicants with hearing, sight, or speech impairments an opportunity to demonstrate their ability.

V. **English and Civics Test Redesign**

As part of the overall reengineering of the naturalization program, the Service plans to completely redesign the tests of English and civics. Funding for this task was included in the Fiscal Year 2001 budget, and we hope to award a contract to develop new tests and to propose new standardized approaches to testing.

Questions about this memorandum should be directed through channels to Lori Pietropaoli of the Immigration Services Division by cc:Mail. Questions about the testing redesign should be directed through channels to Lyle Boelens of the Immigration Services Division by cc:Mail.

Attachments