

Timeline of US Naturalization Law/Civics Exam

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Sarai Martinez-Suazo

Introduction

Throughout the history of the United States of America, laws concerning immigration and naturalization have changed drastically. The following is a timeline of these changes made in the last three centuries. This timeline (bold text) is not a comprehensive account of all changes made regarding immigration law, but instead it focuses on the origins of the US citizenship exam (underlined text) as it is today for the refugees and immigrants. However, it will note some important events in naturalization history and refugees, such as the 14th Amendment and the Refugee Act of 1980.

Timeline

The first official Naturalization Law was passed on **March 26, 1790**. In this law it was stated that any white person above 21 years old residing in the US for two or more years could petition for citizenship in common law court. In **1795** the residence time was extended to five years. It required that the applicant prove to the court through two signed affidavits of US citizen witnesses with personal knowledge of the applicant, stating that the applicant had resided in the United States for at least 5 years and “possessed a good moral character.” He or she was then required to recite an oath of allegiance to the USA. Citizenship records prior to 1790 are extremely rare mainly due to the lack of documentation and non-uniformity of the proceedings held in local courts overseen by local judges.¹

From **1790 to 1802**, there were many fluctuating changes made to the requirements for naturalization depending on the contemporary social climate towards immigration. For example, in the 1798 “Alien and Sedition Acts,” as the US entered into a war with France, the residency requirement increased from five to 14 years as a means of deterring immigrants in a xenophobic social climate. However, these new requirements ended up being very unpopular, and were repealed in 1802.²

The Naturalization Act of **1802** repealed the previous act and returned residency requirement to five years. Furthermore, it required that prospective citizens give three years’ notice of intent, renounce previous citizenship, swear or affirm support of the Constitution, renounce all titles of nobility, and, as before, demonstrate themselves to be of “good moral character.”

In **1868**, African Americans gained citizenship with the 14th Amendment to the Constitution.

Prior to 1906, the proceedings for naturalization since 1802 were as follows: one must give notice of intent for citizenship for a certain number of years, then present to the court with documentation of identification and “proof of good moral character” (be it through witness reports or participation in the community), and finally recite the oath of allegiance to the United States of America. The general gist of the oath was as follows:

“I, ...shall...declare, on oath...that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty; and, particularly, by name, to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.”⁵

In **1906**, Congress passed “An Act To Establish A Bureau Of Immigration And Naturalization, And To Provide For A Uniform Rule For The Naturalization Of Aliens Throughout The United States.”³ This, as its title explains, created a more uniform procedure for naturalization. In terms of changes to the exam, this was the first time knowledge of English became a basic requirement.

Gradually, starting with the Act of 1906, judges were allowed to ask questions regarding US history and civics, though documentation of the actual questions asked is uncommon. Also, there was no specific question list, and many times judges could use this portion of the process to ask impossible questions as a means of failing the applicant. Questions like “How high is the Bunker Hill monument?” were slowly phased out throughout the 1930s.⁴

The Immigration Act of **1917** implemented the first ever required literacy test. Immigrants over 16 years old were now required to demonstrate basic reading comprehension in any language. This was done as a means of deterring immigrants from getting citizenship. In addition to changes in the exam, this Act increased the tax paid by new immigrants upon arrival and allowed immigration officials to exercise more discretion in making decisions over whom to exclude. The changes in this Act came as a result of post-WWI social climate and led into the changes made in the Act of 1924.

In **1924**, an Act imposed immigration quotas for entrance into the US. Thus, in addition to the literacy test, Congress began using quotas as a means of stemming the immigrant tide. The quotas were 2% of each nationality based on numbers in the US in 1890. These annual quotas continued until their repeal in 1965.

Despite protests from many native people, this act also gave citizenship to Native Americans. It also established the first Border Patrol.⁵

In **1929**, the first official standard text for the oath of allegiance was created, with only minor changes over the next 85 years. It went as follows:

*"I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty, and particularly to _____ of who (which) I have heretofore been a subject (or citizen); that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely without any mental reservation or purpose of evasion: So help me God. In acknowledgment whereof I have hereunto affixed my signature."*⁶

On **June 10, 1933**, the Immigration and Naturalization Service (INS) was established to oversee all naturalization of immigrants.

The Nationality Act of **1940** sought to further clarify requirements for aliens seeking U.S. citizenship. Although sex and marital status could not be considered in denying eligibility, specifications concerning race/ethnicity, as well as basic verbal English proficiency and residency requirements were outlined.

In regards to refugee legislation, the "Displaced Persons" Act of **1948** allowed 205,000 refugees over two years. It specifically gave priority to Baltic States refugees who were admitted as quota immigrants. Certain aspects of the law discriminated against Catholics and Jews; those were dropped in 1953, at which point 205,000 refugees were accepted as non-quota immigrants. This number was increased to admit 200,000 above the existing limit in 1953. These numbers continued to fluctuate over the next few decades.

Throughout the 1950s, major refugee admissions occurred outside the national origins quota system. In the Immigration and Naturalization Act of **1952**, immigrants were required to demonstrate an understanding of the English language and knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States. At this point, the exam was still primarily oral, but now knowledge of U.S. history and civics became an explicit requirement for naturalization.

Finally, in **1965**, the national origins quota system was abolished. However, still deep in the Cold War, the US continued to limit the number of refugees and immigrants coming from the Eastern "communist" hemisphere. It also established a 7-category preference system applied to the Eastern hemisphere that favored close relatives of US citizens and permanent resident

aliens, those with needed occupational skills, and refugees.

The Refugee Act of **1980** removed refugees from the 7-part preference categories that had been established in 1965. It also reduced its worldwide ceiling for immigration to 270,000. It redefined refugees as "an individual unable or unwilling to return to his or her country based on a well-founded fear of persecution on account of race, religion, nationality, membership of a particular social group, or political affiliation." In doing so, the United States definition of refugee was now in accordance with the international regulations for refugees created in the 1951 UN Convention.⁷ These amendments made provision for both a regular flow and the emergency admission of refugees, following legislatively prescribed consultation with Congress. In addition, the law authorized federal assistance for the resettlement of refugees. It permitted the executive branch of government in consultation with Congress to set a ceiling to the number of refugees admitted into the United States each year. It also established the modern asylum system.⁸

The Immigration Act of **1990** established an administrative procedure for naturalization and ended judicial naturalization. In other words, only Federal Naturalization Examiners could now grant or deny naturalization petitions.

In an amendment in **1994**, the "Immigration and Nationality Technical Corrections Act," certain exceptions to the naturalization educational requirements were defined. Now those applicants who could not meet the requirements for the exam because of a medical disability could still be granted citizenship if he/she provided a medical waiver signed by their physician. It read as follows:

*"(a) No person except as otherwise provided in this title shall hereafter be naturalized as a citizen of the United States upon his own application who cannot demonstrate- (1) an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language: Provided, That the requirements of this paragraph relating to ability to read and write shall be met if the applicant can read or write simple words and phrases to the end that a reasonable test of his literacy shall be made and that no extraordinary or unreasonable conditions shall be imposed upon the applicant; and (2) a knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States."*⁹

Congress also amended the exceptions to the English requirement based on age and residence that are current today: "50/20" and "55/15" exceptions (see "The Exam" below).

In 1997, INS recruited Coopers and Lybrand, an IBM Business Consulting Service, to study the naturalization process. Over the next few years, their results found no standard naturalization test content, testing instruments, test protocols, or scoring system. With this, INS started an initiative to standardize the exam.¹⁰

On **March 1st 2003**, U.S. Citizenship and Immigration Services (USCIS) assumed responsibility for the immigration service functions of the federal government, replacing INS.

On **October 1, 2008**, USCIS made the current iteration of the exam required everywhere in the US. This is now a fully standardized 4 part exam. According to the then Chief of the Office at USCIS, Alfonso Aguilar:

*"It's no longer a test about how many stars are on the flag or how many stripes...It's a test that describes and captures the applicant's knowledge of those aspects of American history, society and civics that they will one day be raising their hands to support."*¹¹

¹ *They Became American: Finding Naturalization Records and Ethnic Origins* by Loretto Dennis Szucs of Ancestry.com

² Bolger, E. (2013). "Background History Of The United States Naturalization Process." <http://www.socialwelfarehistory.com/?p=8694>.

³ The American Journal of International Law, Vol. 1, No. 1, Supplement: Official Documents. January 1907. Published by American Society of International Law. <http://www-rohan.sdsu.edu/dept/polsciwb/brianl/docs/1906naturalizationact.pdf>

⁴ United States Citizenship and Immigration Services (USCIS) "Origin of Naturalization Exam": <http://www.uscis.gov/>

⁵ Calavita, Kitty. *US Immigration Law and the Control of Labor: 1820-1924*. London, Orlando: Academic Press, 1984.

⁶ <http://www.uscis.gov/us-citizenship/naturalization-test/naturalization-oath-allegiance-united-states-america>

⁷ "The Refugee Convention, 1951: The Travaux préparatoires" analyzed with a Commentary by Dr. Paul Weis <http://www.unhcr.org/4ca34be29.html>

⁸ Office of Refugee Resettlement "The Refugee Act" <http://www.acf.hhs.gov/programs/orr/resource/the-refugee-act>

⁹ "Immigration and Nationality Technical Corrections Act of 1994." <https://www.law.cornell.edu/uscode/text/8/1423>

¹⁰ Department of Homeland Security Office of Inspections and Special Reviews. "Letter Report: Citizenship Test Redesign." June 14 2005. <http://www.dhs.gov/immigration-statistics>

¹¹ USCIS press release Sept 27, 2007: http://www.uscis.gov/sites/default/files/files/pressrelease/natzrndtbl_72sept7.pdf

USCIS released a video in 2010 on the process of Naturalization that can be found at the following link:
“The Citizenship Interview and Test” https://youtu.be/SDb9_CqPUTQ

The Exam 2015

1) Speaking

- Must answer normal naturalization questions
- USCIS Officer will repeat and rephrase questions to ensure applicant full English understanding

2) Reading

- Must read 1 out of 3 sentences in English
- Must be done in a way that Officer believes applicant understands meaning of sentence
- Gets 3 tries, if cannot read one sentence can try the next one
- Applicants **cannot** be failed because of their accent when speaking English.

Pass:

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

3) Writing

- Must write 1 out of 3 sentences that are dictated to them by USCIS Officer
- Must be done in a way that Officer understands meaning of sentence
- Gets 3 tries, if cannot read one sentence can try the next one
- An applicant cannot be failed because of spelling, capitalization, or punctuation errors unless the errors would prevent understanding the meaning of the sentence.

Pass:

- Has the same general meaning as the dictated sentence
- May contain some grammatical, spelling, punctuation, or capitalization errors that do not interfere with meaning

- May omit short words that do not interfere with 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
- Writes an abbreviation for a dictated word

4) Civics

- Up to 10 questions from 100 provided on website in English
- Must get 6 out of 10 correct to pass

Exceptions:

- “50/20” exception: Age 50 or older at the time of filing for naturalization and have lived as a permanent resident (green card holder) in the United States for 20 years
- “55/15” exception: Age 55 or older at the time of filing for naturalization and have lived as a permanent resident in the United States for 15 years
- If eligible for exception: Still must take civics test but may be done in their own native language with an interpreter if necessary

Accommodations:

- For those with medical disabilities
- Patient’s Doctor must:
 - Conduct an in-person examination of the applicant;
 - Explain the nature and extent of the medical condition on Form N-648;
 - Explain how the medical condition relates to the applicant’s inability to comply with the English and civics requirements;
 - Attest that the medical condition has lasted or is expected to last at least 12 months;
 - Attest that the cause of the medical condition is not related to the illegal use of drugs
 - Must complete the disability exception form using common terminology that a person without medical training can understand