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Testing for Citizenship: The U.S. Naturalization Test

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Although the United States has had a language requirement for citizenship (through the naturalization process) since the first decade of the 20th century, very little research and discussion has taken place in academic circles about this requirement, which has been enforced for the past two decades through a test and testing practice to which millions of citizenship applicants have been subjected. Overall, the requirement (and the test) is said to promote “civic integration,” “political allegiance,” “social cohesion,” and/or “social harmony.” The main question addressed in this article is whether the requirement (and the test), its purpose, content, administration, and consequence provide the impetus for citizenship applicants to integrate or develop a civic nationalism. I will apply the Test Context Framework (Kunnan, 2008) to the U.S. Naturalization Test and testing practice. This framework argues for the examination of the wider context of testing including the political, economic, and legal contexts in which a test is deployed for a fuller understanding of the testing practice.

BACKGROUND

The U.S. Naturalization Test assesses an applicant’s ability in English language and knowledge of U.S. history, principles, and form of government as part of the Naturalization process by which U.S. citizenship is conferred on a *foreign citizen* after he or she fulfils the requirements established by U.S. Congress.¹ The legislative history shows that the first Federal activity in the area of immigration was the Immigration and Nationality Act of 1790 which restricted U.S. citizenship to “free white persons” (ignoring African Americans and Native Americans despite the soaring rhetoric of the Declaration of Independence: “All men are created equal . . .”), as well as establishing uniform federal regulations for naturalization by setting the residence requirement at two years. Several new Acts were passed over the decades with new provisions and revisions of existing provisions. In the 1893 Act, Congress added additional criteria, including *the ability to read and write* (in any language) and in the 1906 Act, Congress required applicants *to sign their petitions in their own handwriting and speak English*, as well as to demonstrate attachment

¹The Naturalization Test does not apply to the following two groups: (1) Children born in the United States, including the 50 States and the District of Columbia and in most cases, U.S. territories such as Puerto Rico, Guam, the Northern Mariana Islands, and U.S. Virgin Islands as well as current States that were territories at the time of the birth of some individuals now living (example, Alaska and Hawaii), are considered U.S. citizens at birth (unless born to foreign diplomatic staff), regardless of the citizenship or nationality of the parents (the *jus solis* principle, the “right of soil”); (2) children born outside the U.S. to at least one parent who is a U.S. citizen are granted U.S. citizenship (the *jus sanguinis* principle, the “right of blood”).

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to the principles of the Constitution. But it was only in the 1952 Act that Congress required applicants to demonstrate their ability to *speak, write and read English and to demonstrate their knowledge of U.S. history, principles and form of government*. This is the statute that is enforced today².

THE (OLD) NATURALIZATION TEST

Background

The U.S. immigration and citizenship offices have been enforcing this requirement for naturalization in accordance with the *Immigration and Nationality Act, Section 312* in different ways over the last five decades. Starting in 1952, the requirement was informally enforced by judges and immigration examiners; in 1986, the idea for a standardized test was considered when “aliens” legalizing through the Immigration Reform and Control Act (IRCA) of 1986 were required to meet the educational requirements. Exceptions to the Naturalization Test requirements are allowed in special cases (see Appendix 1). In 1991, the Immigration and Naturalization Service (INS) contracted with six private testing services to administer the standardized test. By 1996, these organizations operated about 1,000 testing sites through subcontractors. After the media exposed testing fraud in an episode of the *20/20* TV news program, this arrangement was stopped and contracts canceled. The undercover operation conducted by INS and the Department of Justice revealed several problems: some individuals were involved in a nationwide fraudulent scheme by promising passing scores to applicants, there were delays in naturalization from two to four years, some applicants were successfully naturalized despite their felony or crime of moral turpitude, and fingerprinting was problematic (Branigin, 1996; Congressional Research Service Report for Congress, 1998). The test administration then reverted back to the INS.

Test Content

The Naturalization Test as designed in the 1990s was composed of the following sections for the English language part: (1) Speaking: the applicant was to informally interact with the examiner regarding the naturalization paper work (N-400 form, etc.) or other topics; (2) Reading: the applicant was to read one sentence; (3) Writing: the applicant was expected to write a sentence from about 100 sentences (provided on websites and textbooks) as dictated by the examiner; the applicant was given three chances (with two other sentences). Variations of the test included using the U.S. history and government part for the reading and speaking parts. The history and government part was composed of a U.S. history and civics test based on about 100 questions from Federal Textbooks on Citizenship. About 10 to 12 questions were asked and most examiners used the open-ended response format; applicants needed to respond with at least six correct answers to pass the test.

²See Kunnan (2009) for discussions of the history of legislation and political attitudes from 1790 to the present that propelled the development of the English literacy test and the Naturalization Test.

Problems

Problems with the test included the following: (1) examiners used different sentences for reading and writing; (2) examiners used different content for listening and speaking; some used history and civics test questions (although these questions could be answered in the applicant's first language); some used daily life, current events, sports, etc.; (3) the level of difficulty varied as sentences for the writing test differed in topic, length, and complexity: (for example, some sentences were three words, some were 10 words: "I work very hard"; "Oath of Allegiance"; "Martha Washington was the first first lady in the United States"); some words were more difficult in terms of spelling (allegiance, president, television); (4) the passing criteria were unknown, so applicants did not know what constituted a pass or a fail in the sentence writing test and in the reading or speaking test; (5) the history and government questions encouraged memorization of discrete facts with little understanding of the material; some were memory-type questions such as "What are the colors of the (American) flag?" and "How many states are there in the Union of the U.S.?" some of the questions could have several answers, such as "What is the Constitution?"; "What kind of government does the U.S. have?"; "What does the President's cabinet do?" There were obscure questions too, such as "What was the 49th State added to the Union of the U.S.?" and "Where does the Bill of Rights come from?" and controversial ones such as "Who helped the Pilgrims in America?"

Another main concern was the variation in the administration of the history and government part of the test across the country. Miller and Muldoon's (1996) report shows how the test administration varied: "**Arlington, VA:** Applicants are asked 12 questions, of which they must answer seven correctly (58%). These questions can be asked in either oral or written form. **Atlanta, GA:** Applicants face up to 100 oral questions. There is no minimum score needed to pass. Passing an applicant is at the discretion of the INS officer giving the test. **Miami, FL:** Applicants must score seven out of 10 questions (70%) on an oral examination. This is perhaps the single most popular form of the test, also used in Denver; Honolulu; Newark, NJ; Portland, OR; and San Antonio" (p. 4).

Similar concerns regarding the unfairness of the test were raised by the Catholic Legal Immigration Network (2004). The U.S. Commission on Immigration Reform also issued a report titled "Becoming an American: Immigration and Immigrant Policy" (1997). Etzioni (2007) concluded the "test hinders those who do not speak English and favours immigrants from English-speaking countries and persons who can afford extensive English education prior to their arrival, or once they are in the U.S." (p. 355). Pickus (2000) raised a more fundamental issue: "Questions deal with rights and freedoms but none speaks of its obligations . . . civic knowledge does not make one a good citizen—native-born Americans do not have to take any such test" (p. 25A).

In addition, as there was very little public domain information (no technical manual, research reports or raw data) available regarding the quality of the tests, and there was no way to verify many of these observations with empirical analysis. One published study reported in del Valle (2003) commented on the failure rate: "a 1998 study commissioned by INS found that, of 7,843 naturalization petitions, 34% of all denials were because of a failure on the language and civic test" (p. 113). In terms of test qualities too, based on the standards for test development and testing practice (from the American Psychological Association [APA], American Education Research Association [AERA], National Council on Measurement in Education [NCME]

Standards, 1999, the International Language Testing Association's Code of Ethics, 2000, and Code of Practice, 2007, and from individual researchers like Bachman & Palmer, 1996, and Kunnan, 2008), the Naturalization Test failed on many counts (of validity of scores, reliability of test administration, fairness in test items, scoring, and decision-making) and therefore could not be easily defended.

THE REDESIGNED NATURALIZATION TEST

Test Development

Given the general dissatisfaction with the old Naturalization Test, the test was ripe for redesign. As early as 2002, a redesign plan was underway with the first contract issued by the new U.S. Citizenship and Immigration Services office (USCIS which replaced INS) to a private company. They also produced sample test questions: 20 questions on U.S. history and civics (in the multiple-choice response format) and 16 questions on reading comprehension (in the multiple-choice format), four writing tasks, and two speaking tasks. They then formed a Stakeholder Working Group (with service organizations from New York and Illinois, and representing Latino, Jewish, and Catholic groups) to pilot the test items. In 2003, the first pilot test results showed that 10% of those who passed the current test performed poorly on the pilot test, reading and speaking were most difficult, and the subjects who did not pass were more likely to report Spanish or Vietnamese as their first language. Similarly, concerns regarding the test were submitted by the Illinois Coalition for Immigrant and Refugee Rights, the National Association of Latino Elected and Appointed Officials Educational Fund and the New York Immigrant Coalition. The author of the report for the Illinois Coalition group, Da Mota (2003) argued that "the test relied on traditional assessment tools such as multiple-choice response format which were not conducive to adult learning methods and that a large proportion of immigrants have had poor educational opportunities and the test would be a prize only for the well educated" (p. 16–17).

At this point, the Board of Testing and Assessment (BOTA) at the National Research Council of the National Academies was brought into the picture. The USCIS organized a national stakeholder conference to gather input on the test content, format, and study guide. They reached the conclusion that the methodology of the test design was of importance and therefore contracted the BOTA with the task of assessing the validity, reliability, and fairness of the redesigned test and to provide guidance in the redesign process. The BOTA recommended the following: (1) to form a multi-tiered advisory structure to oversee the project and advise USCIS, (2) to form a technical advisory panel to create a detailed plan for test development, (3) to work on developing the content framework, and (4) to develop a plan for standard setting with input from panels. Referencing the APA, AERA, NCME, *Standards* (1999), the BOTA Committee (2004) observed "the redesign program has lacked a clear statement of the purpose of the tests, with no clear operationalization of the constructs embodied in the legislative requirements and no systematic specification of the inferences about naturalization applicants to be drawn from the results" (APA Online, 2005: 1)

But instead, in 2005, the USCIS announced three major changes: (1) the redesign was shifted from USCIS to the newly created Office of Citizenship (OoC), (2) the USCIS contract with BOTA was terminated as the OoC would not form an advisory panel, stating that such a committee would

have difficulty adhering to Federal Advisory Committee Act standards, (3) another private company was named OoC's new contractor with a new target date for completing the redesign, January 2007.

The OoC's plan had the following phases: discovery, test development, pre-implementation, implementation and post-implementation. The discovery phase included a records study, a feasibility study, a due consideration study, and an impact analysis. The *records study* was conducted to determine the pass-fail rate on the old test as a baseline. It was discovered that 84% of applicants passed the current test on their first try; 95% passed on their second or subsequent try; lower pass rates were found for elders, refugees, applicants from the Caribbean, Central America (including Mexico), and applicants with more years of permanent residency. It was also discovered that there was no difference in pass rates by race (Black, White, and Asian). The *feasibility study* examined the cost vs. impact analysis of many options for changing the test and testing process. Data collected from focus groups with community-based groups in and outside the Washington, D.C. area indicated that the greatest burden to USCIS would be a change to test procedures, format, and content and the least burden to USCIS would be in training officers, standardization, better test preparation, and increased outreach efforts. At this point, a working group of English as a second language (ESL) experts was formed to advise on an appropriate English level for passing the test and to assist in writing test questions. Their recommendations were as follows: (1) that English reading and writing test items should be at the high-beginning ESL level for the test, (2) that civics questions could be part of the English reading and writing (the panel wrote 140 U.S. history and civics test questions at the high-beginning ESL level); and (3) that re-phrased questions from the N-400 application should be at the high-beginning level.

The USCIS also had to work under constraints because there was pressure from various organizations, including service and political organizations to keep the test short (one written sentence, a few sentences for speaking and reading; generally not more than five minutes), pressure to not change the difficulty of the test and to keep the pass-fail rate the same irrespective of the applicant pool; the redesigned test should be more meaningful and not promote memorization of facts and sentences like the current test; and the redesigned test must be more fair to applicants (with standardized test items and test procedures, protocols, and scoring to ensure fairness).

Test Content

The USCIS stated that during the redesign process they considered multiple perspectives: the views of professors and experts in history and government, teachers of English to speakers of other languages, experts on adult learning, USCIS officers, and community-based organizations. As well, it reviewed state and local history standards, adult learning standards, citizenship preparation courses, and current government authorized textbooks. After considering all these perspectives, USCIS concluded that the current format would be continued for the English language testing. Applicants would generally be asked to read a question and write a dictated sentence but instead of everyday English sentences and phrases, the content for the reading and writing questions would be based on U.S. history and government.

Thus, the format of the test would be as follows: (1) applicants would have three chances to read and write a sentence in English based on a vocabulary list (rather than actual sentences as in the current test); (2) sentences for reading and writing would cover U.S. history and civics; (3) applicants' answers to questions normally asked about their application (N-400) during the interview would form the English speaking test; (4) 144 new study questions on U.S. history and

government would be available; applicants would have to answer 6 of 10 questions to pass this requirement. The OoC also released information regarding the English test: vocabulary lists for reading and writing, and the speaking tasks with the N-400 application. The test was piloted in 10 local USCIS offices in 2007 with about 5,000 voluntary naturalization applicants. The USCIS used the data from the test takers to make refinements to the test administration and scoring procedures before the test was made ready for implementation in October 2008.

The Redesigned Naturalization Test was expected to address the concerns raised with the old test; therefore, test items were analyzed for their cognitive and linguistic characteristics to see if they met one or more of the following criteria. Does the item involve critical thinking about government or history? Does the item offer an inferred or implicit concept of government, history, or other areas? Does the item provide a geographical context for a historical or current event? Does the item help the applicant better utilize the system? Is it useful in their daily lives? Does the item help the applicant better understand and relate to our shared history?

Early Problems

A few problems have already surfaced. First, several service organizations complained about piloting of the test in terms of the site selection, candidate selection, and eligibility. They argued that site selection was not random but based on convenience to district officers. Therefore, the candidates were not randomly chosen but self-selected and therefore lower-ability applicants opted out of the pilot and the results were skewed with a high passing rate.

Second, judging from the published questions in the history and government part of the test which now has 100 questions under U.S. government, history, and integrated civics, there is very little difference between the old and redesigned test as memory of facts and figures is still the focus and there is hardly any focus on critical thinking. But if there was focus on critical thinking on the history and government test items, such thinking could only take place in the applicant's native language and not in English as for most citizenship applicants from non-English speaking countries, English is a new second language and critical thinking responses that they may have regarding U.S. history and government would be beyond the level of English expected in the test.

Third, in terms of the English language part, there are vocabulary lists for both reading (64 words) and writing (80 words) under the headings people, places, civics, months, holidays, question words, verbs, other (function), and other (content). How test takers are supposed to use these materials so that they can respond to the examiner's dictation test is unclear. A clearer picture of how the redesigned test will function should emerge after the test is launched and feedback is obtained from test takers and advocacy groups.

THE NATURALIZATION TEST: UNMEANINGFUL AND INDEFENSIBLE

Based on the above descriptions of the test, as a first read, the Naturalization Test does not and cannot serve any of the purposes of "civic nationalism" or "social integration." I will present brief reasons in terms of test requirement and purpose, content, and operational and consequential issues:

- (1) *Test Requirement and Purpose: Is the requirement and purpose meaningful?* The answer to this question has to be **No** for the following reasons.

- (a) The Naturalization Test is a holdover from the 1950s when post-war worries and anti-communist hysteria played a strong role in establishing the requirement through the 1952 Act, but this is no longer the case. This requirement is much like the English literacy requirement that was instituted for immigration and voting in late 19th/early 20th century when there were worries over war, economic problems, and fear of immigrants as potential citizens. In fact, U.S. laws and court rulings finally conquered the literacy requirement for voting but the English requirement for naturalization has remained.
 - (b) Native-born citizens are not asked to demonstrate their ability in the English language or U.S. history and government before they receive their driver's license or passport as such requirements are not needed for U.S.-born citizens. Therefore, the Naturalization Test requirement could even be in violation of laws against racial and ethnic discrimination although courts are reluctant to review citizenship requirements as Article 1, Section 8 of the U.S. Constitution leaves the power to establish rules regarding naturalization to Congress.
 - (c) The Naturalization Test is not a requirement for immigration to the U.S.
 - (d) The Naturalization Test as it is conceptualized cannot test civic nationalism or social integration through indirect measures of English language ability and knowledge of U.S. history and government, as these are skills and knowledge but not measures of community participation and activism.
 - (e) Even if we accept the 1952 Act and the English and U.S. history and government requirement as it stands, there is no constitutional requirement that this should be satisfied through a test. This leaves the door open for alternative ways of satisfying this requirement.
- (2) *Test conceptualization, content and operations: Can the test assess English language ability and knowledge of U.S. history and government?* The answer to this question has to be **No** for the following reasons.
- (a) Both the old and the redesigned Naturalization Tests, by all accounts, are unable to meet the standards or qualities (AERA, APA, NCME, 1999; Bachman & Palmer, 1996; Kunnan, 2008) recognized by the language assessment community as necessary properties of assessment procedures. As a result, the Naturalization Test cannot claim that it can assess the English language ability and knowledge of U.S. history and government of applicants for citizenship as the qualities of test construct, content, administration, scoring and reporting are all questionable. Once again, without publicly available test performance data, it would be impossible to be certain about this but from anecdotal experience passing the test has hardly meant that the required skills and knowledge have been acquired.
- (3) *Test Consequences: Can the test bring about civic nationalism or social integration?* The answer to this question has to be **Unknown or No** for the following reasons.
- (a) The level of English language needed to pass the Naturalization Test is not high enough to ensure that citizens would switch to English in their communities after the test instead of their first languages.
 - (b) All individuals residing in the U.S. can participate in civic activities and community work without both the required English language skills and knowledge of U.S. history and government (although these skills and knowledge may help).

- (c) The biggest incentive to learning English is financial, and as a result almost all U.S. residents/potential citizens learn English as needed in their preferred occupations.
- (d) The low naturalization rates among some communities shows that the test is more of a demotivator rather than a motivator. Once applicants have met other requirements for naturalization, the English and U.S. history and government requirement alone stands as a barrier to their naturalization dreams.

Therefore, I would argue that the Naturalization Test is an undue burden on non-English speaking immigrants and only creates a barrier for them to acquire citizenship; this requirement and the way it is implemented needs to be replaced. I would strongly recommend that the USCIS replace the Naturalization Test with a program that would include courses (in community colleges, adult or high schools) in English language and U.S. history and government so that immigrants who need such skills and knowledge respectively have the opportunity to acquire and develop them. This is ideologically a middle-of-the-road position in terms of language rights and civic nationalism: a nation where there would be neither a policy of national monolingualism nor an overt policy of individual language rights; where there would be advocacy neither of strong patriotism nor of overt international cosmopolitanism. In such an American nation, without any coercion, all citizenship applicants would gradually learn English and gradually become involved in civic nationalism in their communities.

REFERENCES

- American Psychological Association [APA], American Education Research Association [AERA], National Council on Measurement in Education [NCME]. (1999). *Standards for educational and psychological testing*. Author, Washington, D.C.
- Bachman, L., & Palmer, A. (1996). *Language testing in practice*. Oxford, U.K.: Oxford University Press.
- Branigin, W. (1996). INS accused of tolerating citizenship testing fraud. *Washington Post*, September 11, p. xx.
- Catholic Legal Immigration Network, Inc. (2007). *The citizenship test*. Author. Page: 16
- da Mota, L. (2003). *Denying the dream: How the proposed changes to the US Naturalization Test would prevent immigrants from becoming citizens*. Chicago, IL: Illinois Coalition for Immigrant and Refugee Rights.
- del Valle, S. (2003). *Language rights and the law*. Clevedon, U.K.: Multilingual Matters.
- Etzioni, A. (2007). Citizenship tests: A comparative, communitarian perspective. *The Political Quarterly*, 78, 353–363.
- International Language Testing Association. (2000). *Code of Ethics*. Author.
- International Language Testing Association. (2007). *Code of Practice*. Author.
- Kunnan, A. J. (2008). Towards a model of test evaluation: Using the Test Fairness and Wider Context frameworks. In L. Taylor & C. Weir (Eds.), *Multilingualism and Assessment: Achieving transparency, assuring quality, sustaining diversity*. Papers from the ALTE Conference, Berlin, (pp. 229–251). Cambridge, U.K.: Cambridge University Press.
- Kunnan, A. J. (in press; 2009). Politics and legislation in immigration and citizenship testing: The U.S. case. *Annual Review of Applied Linguistics*, 29.
- Miller, J., & Muldoon, W. (1996). *Citizenship for granted: How the INS devalues naturalization testing*. New York, NY: Center for Equal Opportunity.
- National Research Council of the National Academies–Board on Testing and Assessment. (2004). *Redesigning the U.S. Naturalization Tests: Interim report*. Washington, D.C.: National Academies Press.
- Office of Citizenship and Immigration Service. (2005). *Naturalization test redesign project: Plan overview*. Washington, D.C.: U. S. Department of Homeland Security.
- Office of Inspector General. U. S. Department of Homeland Security. (2005). *Citizenship Test Redesign*. Author.

- Pickus, N. (2005). *True faith and allegiance: Immigration and American civic nationalism*. Princeton, NJ: Princeton University Press.
- Ulewicz, M. (2005). Evaluating the U.S. naturalization test design. *American Psychological Association Online*, 19, 1.
- U.S. Citizenship and Immigration Services. (2007). USCIS announces new Naturalization Test. Washington, D.C.
- U.S. Commission on Immigration Reform. (1997). *Becoming an American: Immigration and immigrant policy*. Author.

APPENDIX 1

Immigration and Nationality Act, Sec 312 [8 U.S.C. 1423]

- (a) No person except as otherwise provided in this subchapter shall hereafter be naturalized as a citizen of the U.S. upon his own application who cannot demonstrate
1. an understanding of the English language, including an ability to read, write, and speak words 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 condition 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 U.S.

Exemptions

- (b) 1. The requirements of section (a) shall not apply to any person who is unable because of physical or developmental disability or mental impairment to comply therewith.
2. The requirements of section (a) shall not apply to any person who, in the date of the filling of the person's application for naturalization as provided in section 334, either (a) is over 50 years of age and has been living in the US for periods of totaling at least 20 years subsequent to a lawful admission for permanent residence, or (b) is over 55 years of age and has been living in the US for periods of totaling at least 15 years subsequent to a lawful admission for permanent residence.
3. The Attorney General, pursuant to regulations, shall provide for special consideration, as determined by the AG, concerning the requirement of subsection (a) (2).