

## **LANGUAGE ASSESSMENT FOR IMMIGRATION AND CITIZENSHIP**

Antony John Kunnan

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## **INTRODUCTION**

The newest context of interest in language assessment is in the area of immigration, citizenship and asylum. Although language assessment in this context can be traced back to the infamous Australian dictation test for immigration in the early 20<sup>th</sup> century, an explosion of interest, debate and practice in this area started about twenty years ago. This recent push has meant that language assessment academics and professionals have had to enter a new arena where the explicitly stated purposes and uses of language assessments are not as clear as they could be, and where, in some cases, there are hidden agendas that are discriminatory and detrimental. This chapter will take a broader perspective on this topic than normally done in language assessment and will attempt to bring together many intersecting areas of interest. It is necessary to do this, because insights and perspectives from immigration and citizenship studies, from state ideology and language rights, and from language policy and legal matters enhance our understanding of this complex human topic of study.

## **CONCEPTUAL MATTERS**

### **Modern Migration**

In the early years of the 21<sup>st</sup> century, migration has continued unabated much like in the previous century. People move from their home country to another in search of better work opportunities, for temporary residence based on work or study, and for family reunification and asylum. But the main difference between migration of the past, even 30 years ago, and the present is that there is very little or even none of the wrenching separation from the home country, family and culture felt by the migrant. The electronic age we live in today (with e-mail, the internet, global news and international audio and video communication) and to lesser degree

the relative ease of international travel have made it possible for a migrant to be less isolated from his or her homeland, family and culture. Further, in this era of globalization, and financial globalization, many migrants are economic migrants looking for better opportunities; therefore, they are not necessarily the poor, the downtrodden, and the persecuted of the prior decades.

In terms of self identity too, migrants today are not required to give up their homeland traditions, language and culture in the same way as was the case decades ago. Today's migrants, in contrast, can most often find people and culture from their homeland in their receiving countries so that they can continue to follow their home languages and traditions. Thus, although citizenship and identity are intertwined in the past they could remain separate in modern immigrants leading to dual or multiple identities and dual or multiple nationalities or citizenships. This rupture of the traditional concept of citizenship (which once fused citizenship and identity) into two separate entities in many communities is symptomatic of early 21<sup>st</sup> century trends in migration. The question therefore that is necessary to ask is whether modern migration has changed the way we should think of immigrants and citizens. Put another way, should immigrant sending and immigrant receiving communities and countries rethink the identity and aspirations of newcomers and long staying residents and citizenship holders?

### **Immigrants and citizenship applicants**

Traditionally, immigrants are classified into two types: those who plan to stay or are staying in the receiving or new country for *short term* (typically, tourists, students and temporary workers) and those who plan to stay or are staying for the *long term* (typically, those on work permits, those joining their spouses or families, and those who have sought asylum). Except for tourists in the former group, normally most immigrants will need to demonstrate relevant

abilities (which may or may not include language abilities) related to their study or employment before they are issued visas to enter the new country (among many other requirements). In some receiving countries, there are requirements such as a minimum level of language ability in the standard variety of the dominant language of the country that have to be met even for short term stays. In contrast, it is the later group, the long term stay group, which after many years of stay in the receiving country (typically three to five years), that may consider applying for citizenship based on the *jus sanguine* (by blood principle) or by naturalization (if the new country has such a provision). It is these applicants for citizenship who are required to take language tests, history and civics tests and/or social integration courses before they can be granted citizenship.

Although these notions of immigrants and citizens have to be rethought because of the era we live in, immigrant behavior and suitability of immigrants to be granted citizenship has been debated for decades in receiving countries. Pickus (2005) argued that in the late 18<sup>th</sup> century and early 19<sup>th</sup> century in the U.S., there was disagreement regarding

how to turn new immigrants into the proper kinds of citizens. What kind of requirements for officeholders or immigrants wishing to be naturalized would best ensure their loyalty and their ability to understand America's civic principles and participate in its public life? Was the simple fact that the immigrant chose to come to the United States sufficient, or should there be a required amount of time before naturalization, variously set between 3 and 14 years? Or would newcomers never be trusted fully and be barred from holding elective office? (p. 15).

### **State ideology and language rights: From public monolingualism to multiculturalism**

Modern nation-states, including liberal democracies, have debated the state-mandated national language requirements on the one hand as part of political and social integration policies and minority or indigenous languages of minority communities as part of multilingual and multicultural rights. In terms of language rights, most countries embrace the idea of a public monolingualism with an emphasis on collective rights while a few countries promote a limited public multilingualism with a limited set of individual rights.

This evangelical desire for public homogeneity which includes public monolingualism and social cohesion was best argued in the U.S. by assimilationist writers like Schlesinger (1992) and Huntington (2005). In Schlesinger's *The Disuniting of America*, he wrote, that the cult of ethnicity "reverses the historic theory of America as one people - the theory that has thus far managed to keep American society whole...The national ideal had once been *e pluribus unum* [out of many, one]. Are we now to belittle *unum* and glorify *pluribus*? Will the centre hold? Or will the melting pot give way to the Tower of Babel?" (p. 16-18).

In practical terms, this ideological bent resulted in the English First movement in the U.S. in 1930s. It was mainly an Americanization effort that included English language programs for foreign-born adults. These efforts were also promoted by American employers such as Ford, U.S. Steel, and Pennsylvania Railroad. According to Crawford (1992), employers believed that low proficiency in English led workers to socialist propaganda and prevented them from believing in free enterprise. Pavlenko (2002) observed that the main purpose of "these efforts had solidified the link between English and patriotism in the public consciousness so well that twenty years later Philadelphia's *Evening News* still argued that all aliens 'are to be taught the minimum of English necessary to guarantee a belief in democracy'" (p. 180). Alongside these efforts came

positioning English with superiority and patriotism; in the words of Pavlenko (2002), English was supposed to have high moral and intellectual values and the lack of English proficiency was equated to inferior intelligence and low moral standards. In this period, U.S. Presidents Wilson and Roosevelt reflected their strong support for English:

*Wilson:* You cannot become thorough Americans if you think of yourselves in groups. America does not consist of groups. A man who thinks of himself as belonging to a particular national group in America has not yet become an American...

*Roosevelt:* We have room for but one language here, and that is the English language, for we intend to see that the crucible turns our people out as Americans, of American nationality, and not as dwellers in a polyglot boardinghouse; and we have room for but one sole loyalty, and that is the loyalty to the American people (1919; cited in Pavlenko, 2002, p. 183-184).

In Europe, in the 19<sup>th</sup> and 20<sup>th</sup> centuries, nation-building was most often conceived of as monolingual nation building; the general concept was “one language, one nation.” This was particularly true in some countries like France where the use of standard French was part of the way national consciousness and modern Germany even after the unification in the late 20<sup>th</sup> Century. But since the post-1991 migration, Europe’s identity, which has historically been linked to linguistic and cultural homogeneity, has had to undergo some changes. Based on the formation of the European Union and recent globalization, Extra, Spotti, and van Avermaet (2009) concluded that “major changes in each of these areas have led inhabitants of Europe to no

longer identify exclusively with singular nation-states. Instead, they show multiple affiliations that range from transnational to both global and local ones” (p. 9).

Public multiculturalism has its ideological supporters in writers like Kymlicka (1995) and May (2005). Kymlicka’s argues for individual rights as “group-differentiated rights”: “Granting special representation rights, land claims, or language rights to a minority . . . can be seen as putting the various groups on a more equal footing, by reducing the extent to which the smaller group is vulnerable to the larger” (p. 24, as cited in May, 2008). May (2008), applying Kymlicka’s formulation, put it succinctly, “the preoccupation of modern nation-state organization with a single language and culture, and an allied public monolingualism, is both unnecessarily unjust to and exclusive of minority language groups” (p. 24). He further argued along the lines of Kymlicka, by giving examples for this idea from the Welsh in Britain, Catalans and Basques in Spain, Bretons in France, Québécois in Canada, and some Latino groups (e.g. Puerto Ricans) in the USA.

Thus, based on these arguments it could be asserted that it is necessary for modern nation-states to rethink themselves as multilingual, multicultural and multinational promoting plurality and inclusivity. As May (2008) observed, “the aim, in so doing, is to foster the prospect of more representational multinational and multilingual states by directly contesting the historical inequalities that have seen minority languages, and their speakers, relegated to the social and political margins” (p. 26). Likewise, Bourdieu (1998) stated this ideological view succinctly, “Cultural and linguistic identification is accompanied by the imposition of the dominant language and culture as legitimate and by the rejection of all other languages into indignity” (p. 46).

## **Language policy: From national language to social integration**

Given this backdrop, the question of how to make immigrants fit into their new country becomes a much more difficult question today than many decades ago. Let us first take up the case of language, specifically, the push by governments to require immigrants and citizenship applicants to learn to a sufficient degree the standard variety of the dominant language or official language of the country. The history of countries with large-scale immigration in the 20<sup>th</sup> century has shown that there has been coercion to learn the dominant or official language through legislative actions, court rulings and political and societal attitudes (see Kunnan, 2009a).

The history of the U.S. in terms of English versus non-English language policy is a case in point. The early decades were dominated by assimilationist thinking with ideas such as making English the sole official language, limiting access to voting and civil rights to non-English speakers and opposing any form of bilingual education. Ricento and Wright (2008) reported that during this time indigenous Native American languages and cultures were stigmatized and colonies and later states passed “compulsory ignorance” laws that made it a crime to teach slaves to read or write. In terms of language education, by 1923, 22 states had laws prohibiting the teaching of foreign languages in primary schools in a country that was made of large numbers of first-generation immigrants. Courts intervened and found these laws unconstitutional: the two most important cases were *Meyer v. Nebraska* (1923) in which the U.S. Supreme Court decision ruled that a previous Nebraska law that forbade teaching in any language other than English to be unconstitutional and *Farrington v. Tokushige* (1927) in which the U.S. Supreme Court ruled that Hawaii’s effort to abolish private Japanese, Korean and Chinese language schools was unconstitutional. Later in the 1950s, many states imposed English



as the sole language of instruction in schools and passed laws banning the teaching of other languages.

Alongside language requirements is the concept of social integration of immigrants and potential citizens with the existing citizens of the receiving country. This situation can be seen in Belgium and the Netherlands where a whole program of social integration is in place. The region of Flanders in Belgium has the best example of social integration courses; also known as the *inburgering* policy. The integration policy's main arm is the integration course which is required of all newcomers under 65 years of age, recognized religious workers, and those who plan to stay beyond the first year as immigrant and who plan to seek long residence in Flanders or Brussels. According to van Avermaet and Gysen (2009), the integration course is made up of proficiency in Dutch, the official language of Flanders and a course in socio-cultural orientation in the mother tongue of the immigrant focusing on practical knowledge and values and norms such as pluralism, democracy, respect, and solidarity. But van Avermaet and Gysen (2009) raise a critical alarm regarding this program:

A policy of obliging immigrants to first learn the language of the host country as an initial step to interaction calls for critical reflection. Immigrants are seen as having a language deficiency. This deficiency is seen as an obstacle to integration and as a cause of violence and social conflicts. This argument is selective in the sense that it may only apply to a certain category of immigrants. Those 'migrants' belonging to the 'globalized elite' communicate with the indigenous multilingual elite in French, German, English or Spanish (p. 122).

An illustration of how some of the conceptual matters discussed above are translated into policy and practice in terms of language policy and assessment policy is presented from the U.S. perspective where language policy and assessment policy have swung widely over the centuries. A few short country-based case studies will also be presented.

### **Illustration:**

#### **Politics, language policy and legislation in the U.S.**

In the last 235 years, the concept of American citizenship in terms of politics, legislation, court rulings, and social attitudes has swung like a pendulum, sometimes favoring inclusion and tolerance, sometimes exclusion and self-righteousness. The debates have been mainly about language and civic nationalism. In terms of language, many political thinkers have argued for a common language or a public monolingualism (see Huntington, 2005; Schlesinger, 1992), because they believe a bilingual or multilingual country could result in ghettoization and social immobility (Pogge, 2003). On the other hand, others have stressed the importance of multiculturalism and individual language rights (Kymlicka, 1995; Kloss, 1977) and tolerance-oriented language rights (May, 2005, 2008).

Early on, varying concepts of citizenship emerged between two political groups: the Federalists, who promoted a strong nationalist government, and the Anti-Federalists, who campaigned for a less powerful role of government. Washington emphatically declared in 1783 that “the bosom of America was open to receive not only the opulent and respectable stranger, but the oppressed and persecuted of all nations and religions” (Washington, 1783). Although Washington’s statement came a few years before the Naturalization Act of 1790, the founders were untroubled by the presence of slavery of Blacks and Native Americans as U.S. citizenship

was restricted to 'free white persons.' This racial terminology was used to exclude Blacks and Native Americans in contrast to the much-quoted line from the U.S. Declaration of Independence, "We hold these truths to be self-evident, that all men are created equal."

Social attitudes toward immigration and citizenship too swung from one extreme encapsulated in the words of Emma Lazarus on the pedestal of the Statue of Liberty, "Give me your tired, your poor, your huddled masses yearning to breathe free" (Kennedy, 1964, p. 45), to the other extreme of indefensible racial intolerance, bigotry, fear, and hatred against the French, Irish Catholics, Jews, southern and eastern Europeans, Chinese, Japanese, and Asian Indian immigrants. All of these together have played a role in formulating immigration policies of successive governments, which have constantly reconsidered and changed these policies to suit their particular positions.

The first federal regulation came through The Naturalization Act of 1790 which stated that "any alien, who was a free white person and who had resided within the limits and under the jurisdiction of the United States for the term of two years may be admitted to become a citizen on application to any common law court of record, in any one of the States where he had resided for the term of one year at least, and making proof to the satisfaction of such court that he is a person of good character, and taking the oath or affirmation prescribed by law to support the Constitution of the United States." In 1795, Congress repealed the 1790 Act, raised the residence requirement for citizenship to five years, and required a declaration of intention to seek citizenship at least three years before naturalization.

Several new acts were passed over the decades in the 19th century. The most notable change came in 1865 with the 13th Amendment to the U.S. Constitution abolishing slavery. Following this amendment, Blacks were recognized as citizens in the 14th Amendment in 1868.

Yet a little more than a decade after expounding the 14th Amendment's guarantees of equal protection, due process and consent, Congress reverted to a more restrictive immigration policy. Responding to a national xenophobic clamor for the exclusion of Chinese, Congress passed the Chinese Exclusion Act of 1882. This act included several over-restrictive provisions including the suspension of immigration of Chinese laborers (merchants, teachers, students, and tourists were exempt) to the United States for 10 years and prohibition of Chinese from becoming citizens through the naturalization process.

Language criteria for naturalization were added for the first time in the 1893 Act, when Congress added *the ability to read and write* (but not specifically in English), and in the 1906 Act, Congress required applicants *to sign their petitions in their own handwriting and speak English*. In 1896, Congress passed the *literacy test bill*, promoted by the Immigration Restriction League, which wanted to have a barrier in place to restrict "undesirable immigrants" who were coming to the United States from southern and eastern Europe and threatening the "American way of life." The test was expected to assess the ability of applicants for immigration to read at least 40 words in any language as a requirement for admission to the United States, but this bill was vetoed by President Cleveland. Around 1906, immigration examiners began to develop questions on the understanding of the Constitution; this was a precursor to the current knowledge of history and government test (see Pickus, 2005 for examples).

In 1917, as wartime hysteria fed American xenophobia, Congress passed the *literacy test bill* again, overriding President Wilson's veto this time. This racially oriented bill became the first literacy requirement that required potential citizens and immigrants over 16 years of age to read at least 30 words and not more than 80 words in ordinary use in any language. The test resulted in effectively restricting immigration of Italians, Russians, Poles, Hungarians, Greeks,

Asians, and Irish Catholics. A variant of the literacy test in English was also used in both northern and southern states to determine eligibility for voting, effectively denying voting rights to large numbers of African Americans in many southern states and disenfranchising a million Yiddish speakers in New York (Del Valle, 2003). Decades later, the Voting Rights Act of 1965 suspended the literacy test in all states; in 1970, Congress extended the prohibition of the literacy tests and in 1975 made the ban indefinite and national in scope (Del Valle, 2003). After World War II, the Immigration and Naturalization Act of 1952 enshrined both the English language and the history and government requirements for citizenship. In the words of Del Valle (2003), “in passing the English literacy provision, Congressmen clearly linked the inability to speak or understand English to political suspicion” (p. 93).

## **LANGUAGE ASSESSMENT: CITIZENSHIP TESTS AND IMMIGRATION AND INTEGRATION POLICIES**

In terms of language assessment, although the Australian government used the infamous “dictation test” in the early part of the 20<sup>th</sup> century, many governments have introduced test requirements in the mid-20<sup>th</sup> to early 21<sup>st</sup> centuries.

### **Illustration:**

#### ***The U.S. Naturalization test***

Although the United States has had a language requirement for citizenship (through the naturalization process) since the first decade of the 20th century, it was enforced as a formal test only in the late 1980s. Overall, the requirement (and the test) is said to promote “civic integration,” “political allegiance,” “social cohesion,” and/or “social harmony.” Specifically, in

the language of the Immigration and Nationality Act of 1952, applicants for naturalization are expected to demonstrate (1) an understanding of the English language, including an ability to read, write, and speak words in the English language and (2) a knowledge and understanding of the fundamentals of the history, and of the principles and form of government. Starting in 1952, the requirement was informally enforced by judges and immigration examiners; in 1986, the idea for a standardized test was considered. The first Naturalization test was used until 2007 when it was replaced by a redesigned test.

### *The Redesigned Naturalization Test*

The U.S. Citizenship and Immigration Service (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. After considering all these perspectives, USCIS concluded that the format of the revised test would be the same as the old test.

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 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 correctly to pass this requirement.

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?

*Is the test meaningful and defensible?*

Based on the purpose, content, administration and consequences of the test, it does not and cannot serve any of the purposes of “civic nationalism” or “social integration.” The reasons for this include (1) the test cannot assess English language ability and knowledge of U.S. history and government, (2) the test cannot 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, and (3) the test cannot bring about civic nationalism or social integration (see Kunnan, 2009b for a detailed discussion). Therefore, it can be argued that the Naturalization Test is an undue burden on non-English speaking immigrants and only creates a barrier in their application process. A better approach would be to require courses in English language and U.S. history and government to immigrants who need such skills and knowledge.

**Short Case studies**

*Australia*

Australia has a long history of using language testing to control immigration. Davies (1997) reported that during the infamous “White Australia policy,” the government used a

dictation test starting in the early decades of the 20<sup>th</sup> century. The test was designed as a 50-word paragraph dictation test in a number of European languages and administered with intent to discriminate against non-whites and undesirables. Two examples of how individuals were targeted are the cases of Egon Kisch and Mabel Freer. Jewish activist Egon Kisch from Czechoslovakia, who was exiled from Germany for opposing Nazism, arrived in Australia in 1934. The Australian government went to extraordinary lengths to try to exclude Kisch, including using the dictation test. As he was fluent in a number of European languages he passed the dictation test in them but failed when he was tested in Scottish Gaelic. But later a court ruling found that Scottish Gaelic was not within the fair meaning of the law and overturned Kisch's convictions for being an illegal immigrant. He was allowed to remain in Australia. Similarly, in 1936, the government planned to keep out Mabel Freer, a white British woman born in India. She failed the dictation test in Italian twice but as the press and legal matters proceeded, the government was not able to provide convincing reasons for her exclusion and eventually she was admitted into the country. But examining the number of people who passed the test will provide the harshness of the policy and the use of the test: between 1902 and 1903, 46 people passed the test out of 805, between 1904 and 1909, only six out of 554 passed and no one was able to pass the dictation test after 1909. The test was not used after the 1930s and formally abolished in 1973 when a less restrictive immigration policy was introduced.

The government's policy in the mid 1980s was more accommodating to immigrants particularly through the Adult Migrant English Program (see Brindley, 1989 for a description of the program). Also, according to McNamara (2009), in the 1980s, non-English speaking immigrant medical doctors who were subjected to a test similar to the discriminatory dictation test were given the opportunity to demonstrate their English language ability through the new



*Occupational English Test* (McNamara, 1996). This test, which replaced the older indefensible English test, assessed health professionals' English language ability to communicate in the health workplace. But, as McNamara (2009) reported, the government recently subverted established testing practice by making unsupported changes in scoring (by changing the scorers from language professionals to medical examiners).

In terms of citizenship requirements, although the Australian Citizenship Act of 1948, Section 13, required a basic knowledge of English language of all applicants for citizenship, this law was enforced liberally. This liberal attitude has recently given way to much more restrictive citizenship policy that includes passing a formal test of knowledge of society that focuses on Australian institutions, customs, history and values. This test came into existence in 2007 with some controversial questions such as identifying the national floral emblem and a famous Australian cricketer. After much criticism, the newer version of this test is a computer-administered 20-item test in a multiple choice format delivered in English; applicants have to get 15 of the items correct to satisfy this requirement. The content of the test is available through a resource book titled *Australian Citizenship: Our Common Bond* available in 38 languages although the test itself is administered in English. The topics in the resource book include topics such as Australia's democratic beliefs, laws and government, as well as the responsibilities and privileges of citizenship.

### *Canada*

Canada, like the U.S., is considered a country of immigrants as the country was sparsely populated with Inuit and other North-American Indian tribes when white settlers immigrated. Vikings, French and British explorers and later immigrants from Europe, Asia and the Caribbean

were the early inhabitants. After hostilities between the French and British ended with the English as victors, Great Britain ruled Canada until Canada received independence in 1867. It was many decades later though, in 1947, when Canadian citizenships were granted. Like the U.S., Canadian citizenship is based on the *jus solis* principle which means anyone born in Canada is automatically a Canadian citizen.

As of now, there is no direct language requirement for immigration but there are other requirements for citizenship applicants. It includes a test that evaluates knowledge of Canada and language abilities in English or French. The knowledge of Canada part includes topics such as the right to vote and the right to run for elected office, procedures related to elections, the rights and responsibilities of a citizen, Canadian political history, social and cultural history and symbols and Canadian physical and political geography. The language abilities part assesses the applicant's ability to communicate in either English or French by demonstrating ability to understand simple spoken statements and questions and to communicate simple information. The questions in the citizenship test are based on the information in the study guide *Discover Canada: The Rights and Responsibilities of Citizenship*.

### *Estonia*

Estonia, like the other Baltic States - Latvia and Lithuania - emerged from about 50 years of Soviet occupation in 1991. During the period of the occupation, according to Zabrodskaja (2009), not only did the ethnic Russian percentage in Estonia rise to 30.3% overall but in the northeast of the country, the percentage of Estonians dropped to 20% in Kohtla-Jarve and 3 to 4% in Narva but the Russian language dominated public administration in areas such as banking, railways, the navy and aviation. Therefore, after the restoration of independence to

Estonia, the state declared Estonian the sole official language (removing Russian from this status).

Further, the Law of Citizenship first passed in 1993, then revised in 1995, required knowledge of Estonian language for citizenship. The specific requirements include listening and reading official statements and announcements, notices of danger and warning, news, description of events and explanations; speech in terms of conversation and narration, use of questions, explanations, assumptions and commands, expressing one's opinions and wishes; and writing applications, letters of attorney, explanatory letters, curriculum vitae, filling in a questionnaire, standard forms, and responding to a test. This type of specificity indicates that the level of Estonian expected is probably at the B1 level of the Common European Framework of Reference. In addition, in order to qualify for Estonian citizenship, applicants are also expected to pass a test of knowledge of the Constitution and Citizenship Act.

Alongside the Law of Citizenship, the Alien Law passed in 1993 required non-citizens (read, mainly Russians) to register on a regular basis in order to renew their stays on a short term basis. Thus, if Russian residents want to stay indefinitely in Estonia, they would need to apply for Estonian citizenship which would mean learning Estonian. Zabrodskaia (2009) reported the difficulty of teaching Estonian to older Russians thus particularly between the ages of 40 and 50. The key question is whether this group of Russian speakers who have been living in Estonia for last 40 to 50 years will be able to continue to live in Estonia, use Estonian, and integrate into Estonian society.

## *Germany*

The unification of Germany in 1990 brought into focus issues regarding foreign workers and their continuing status. Guest workers from Turkey, Poland, Hungary, Vietnam, among others, had been living in both Federal Republic of Germany and the German Democratic Republic for decades. These workers classified as foreigners constituted between 8 and 9 % of the post-1990 German population. According to Stevenson and Schanze (2009), the task of bringing about integration of this group was one of the problems that confronted the new German government:

Constructing possibilities of ‘belonging’ in the new state would require major shifts in the political culture and fundamental questions have to be addressed: what does it mean to be German at the beginning of the 21<sup>st</sup> century? What should German citizenship entail? How can social inclusion be achieved with a highly diverse and constantly changing population? (p. 88).

These debates resulted in the Foreigners Act passed in 1997 under the watch of the Kohl government introducing tighter control of immigration. But a less conservative Schroder government passed a new Immigration Act in 2004 with new provisions. The most important provision was the introduction of a qualified version of the *jus solis* principle for citizenship: children of foreign parents born in Germany after January 1, 2000 would automatically qualify for German citizenship if one of their parents lived in Germany legally for at least eight years. Adults too could qualify for German citizenship after eight years of residence in Germany instead of 15 years previously but only if they have an ‘adequate knowledge of the German language.’

The task of improving social integration also saw the enactment of a new immigration law of 1996, then revised in 2005, which allowed the migration of ethnic Germans (*Aussiedler*) from former Soviet Union and eastern European countries provided they (and their family members) demonstrated German language ability through a language test. According to Schupbach (2009), “the language test is not a standardized test of language proficiency but a conversation that aims to establish whether the German language and culture has been part of the applicants’ upbringing and family tradition” (p. 80). The language test has been criticized from at least two angles: the double function of the test, one to establish ethnicity and the other to predict integration potential, and the role of language in establishing ethnicity (despite the possibility of different dialects of the ethnic Germans).

### *The Netherlands*

The Netherlands is generally perceived as a liberal democracy with social policies resulting in a tolerant society. But this perception would have to be modified with the recent social attitudes and public policies towards would be immigrants, immigrants and potential citizens. Newcomers to the Netherlands now have to pass three stages of testing in order to become citizens: admission to the country, civic integration after arrival, and naturalization to citizenship. According to Extra and Spotti (2009), “the testing regimes for adult non-native speakers of Dutch and the recent abolition of languages of instruction other than Dutch in the primary schools should be evaluated against an ideological background of demanded cultural and linguistic homogenization at the national level” (p. 125).

The Law on Integration Abroad passed in 2006 described what applicants for admission to the Netherlands need to do - they basically have to take a test of computerized phone test of the Dutch language called the *Toets Gesproken Nederlands* (using Versant's computer-scoring technology) and a test of knowledge of Dutch politics, work, education, health care, history, and living. This type of requirement is the first in the modern world as it clearly presents barriers to family unification (particularly from women in Morocco and Turkey) and has been criticized on grounds of human rights. Extra and Spotti (2009) cite a Human Rights Watch (2008) report that considered this testing regime as discriminatory "because it explicitly applies to particular 'non-Western' countries and because it violates the qualified human right to marry and start a family" (p. 133).

The mandatory integration program for all newcomers in the country called *inburgering* requires attendance at an intake session at the local level to start the integration process, self-financing of the program and complete the program in three and a half years. According to Extra and Spotti (2009), the new *inburgering* exam has two parts: language skills (Dutch language) and language in practice (the integration test). This program too has been criticized mainly for its discriminatory ways as the program exempts citizens from European Union countries, Switzerland, Canada, Australia, New Zealand, Japan and the U.S., and its burden on lower income level residents.

### *Japan*

As Japan is most often erroneously perceived as an ethnic and culturally homogenous country with monolingual Japanese speakers, there is the impression that there are no demands for citizenship from foreigners and immigrants (from Brazil, Philippines, and Peru), ethnic

minorities (Korean and Chinese) or indigenous people (the Ainu and Okinawan). This myth was not sustainable too long after the Second World War and increasingly over the decades Japan has become a multicultural country. With several revisions of the Nationality Act that deals with matters of immigration and citizenship, oldcomers (who were Japanese subjects before 1947 and are now permanent non-national residents in Japan) and newcomers (who are immigrants who came after 1980s) needs have been addressed as Japan has found a way to offer civil rights, social rights and political rights to oldcomers and newcomers although differentially. Tarumoto (2003) argues that these rights, however, were not granted because of Japanese “internal multicultural logic” but because of bilateral and international pressure put on the Japanese government by the Korean government.

In terms of language and social integration requirements for naturalization, officially there is no information that speaks about a Japanese history and culture although it is expected that naturalization applicants will have a third grade level Japanese in reading and writing and a basic conversation level. In addition, it is understood has to demonstrate an adequate level of assimilation to the culture. This aspect is generally checked by officials from the local prefecture.

### *Others*

Around the world, there are significant differences in the way immigration and citizenship is controlled and the role of language in this process. Belgium, in contrast to the Netherlands, is one of a few countries that promote linguistic diversity in its federalized state system through Dutch, French and German languages. The United Kingdom has tightened immigration and citizenship regulations in the last decade requiring among other requirements a test of English, Welsh or Gaelic language ability for both long stay residents and citizenship

applicants promoting the notion of linguistic and cultural unification (although English is clearly the main language that is used). In India, citizenship is granted to applicants who demonstrate proficiency in any one of the 22 official languages. Japan and Korea have regulations in place for citizenship which includes demonstrating Japanese and Korean language ability respectively ignoring long-term minority residents who have lived in the countries for decades.

Two countries that are currently considering language requirements for immigration and/or citizenship include Spain and Sweden. Whether these countries implement such a policy depends on whether conservative or liberal politicians gain control of government (see Vigers and Mar-Molinero, 2009, and Milani, 2008 for discussions on this point). Israel, in contrast, restricts citizenship to Jews and privileges the use of Hebrew although Hebrew and Arabic are both official languages of the country (Shohamy and Kanza, 2009a).

In summary, language assessments have become the cornerstone of requirements for citizenship in most countries, and for immigration and long stay in a few countries. The primary premise of such policies is that language ability in the standard dialect of the dominant language of the country will bring about national and social cohesion. In the words of Blackledge (2009), writing about the testing regime in the U.K. (but this point can be made about any country), is that testing policy is “based on the notion that when we are all able to demonstrate our English language proficiency, we will be able to achieve national unity and a sense of common belonging” (p. 84).

## **FUTURE DIRECTIONS**

### **Empirical studies**



Now that many countries have language assessments as part of the immigration or citizenship process, it would be useful to have evidence that supports the use of the assessments. As stated earlier, the primary purpose of the language requirement, as cited by politicians and legislative actions is that language proficiency in the standard variety of the dominant language can bring about the goals of social cohesion, civic nationalism and national unity. Although these terms are difficult to define, it is necessary to find out if these goals are being realized.

Two pilot studies set in California show that these goals are not being realized. Min (2010) studied civic nationalism (defined as level of political and civic activity) among Korean Americans in the Los Angeles before and after the taking of the citizenship tests for U.S. citizenship. The main finding was that there was no statistically significant difference between before and after political and civic activity among these study participants: study participants who were active before taking the test continued to be that way and individuals who were inactive before taking the test continued to be that way. If this result is found in studies across potential citizenship communities in the country, then the U.S. naturalization process is not helping towards reaching the political and civic goals.

Martinez (2010) found in her study with Latinos in the Los Angeles area that there is a significant reluctance in the community in applying for U.S. citizenship. Statistics show that over 25% of the residents who are eligible to apply for U.S. citizenship do not apply (U.S. Homeland Security, 2009). Martinez found that among the many reasons for this reluctance is the educational requirement (the English language and history and government tests) that seems to be a big hurdle for this group of potential citizens who are non-English speaking adults.

One of the key issues then is whether courses in language, culture and citizenship can in work to bring about civic nationalism or social integration. There is no clear empirical evidence

as to how much language an immigrant needs and how much social integration an immigrant needs in order to become a civic-minded or a socially integrated citizen. The only thing that one can say about these courses is that they have been conducted for decades to satisfy public opinion and the feeling that language assessments and social integration programs are ways to do this.

### **Legal and ethical challenges**

Legal and ethical challenges are other ways of checking governments and their policies. A legal challenge in a Dutch court in 2008 is a case in point. In this case, the court provided relief to a Moroccan woman plaintiff who challenged the admission tests in Morocco because she failed the test and thus was not admitted to the country. After an appeal by the state, a higher state court ruled in February 2010 that applicants for admission to the Netherlands will no longer face a Dutch language test and questions about knowledge of Dutch society. The court's decision now will allow immigrants from Turkey and Morocco to apply for temporary residence on the basis of family reunification and Dutch citizens would be able to bring their spouses from outside the country without having to pass the Dutch language test and Dutch knowledge of society. Such testing was already considered to be in violation of the equality principle because citizens from European countries and others (such as Australia, Canada, Japan, New Zealand, the U.S., etc.) do not need to take these tests. But the state is expected to appeal and the case may then go all the way to the Court of Justice of the European Union. Recently, Human Rights Watch had also reported that ethical and human rights violations of the testing regime in the Netherlands.

Garcia (2010) argued that the U.S. Naturalization Test can be challenged citing the 14<sup>th</sup> Amendment to the U.S. Constitution in terms of the way the test is administered - in terms of variability among the examiners in asking the questions, the lack of an appeal process, and the lack of public information regarding pass and fail rates by nationality, native language or ethnicity. All of these she argued violate the equality and due process provisions of the Amendment.

### **The 21<sup>st</sup> century**

A few remaining questions relevant to 21<sup>st</sup> century citizenship and citizenship tests need to be briefly raised. The main question in an era of transnational citizenship is regarding nationality and identity - an era such as in the European Union where nationals of 27 European member states with very few limits have the right to live, work, study and invest in all of them - thus creating an unprecedented tension between nationality and supranationality and the related issue of uni- or bi-identity. Similarly, immigrants in the 21<sup>st</sup> century living in a receiving country may continue to be “involved” with their home countries through global investment, travel and communications to such an extent that the acquisition of citizenship may not include full social integration in the receiving country. As a result, such immigrants may express allegiance to both countries and in many cases, they may also be doubly ambivalent of both countries in terms of their personal identity.

Second, the convergence of policies in Europe towards language ability and social integration programs (as in Belgium following the Netherlands) is probably a trans-governmental effect - like that of the pan-European Union laws - in immigration and citizenship matters. If this continues and also spreads to other groups of countries in the next decade, we will see further

convergence of policies and more deep intrusions into social life of immigrants. In the words of Smith and Bakker (2008), "...Appadurai's post-nationalist expectations concerning the waning power of receiving states and societies in this age of cultural globalization" (p. 212) may be off the mark.

Finally, as more and more countries lean towards bringing about a language and social integration regime for immigrants and would-be citizens, it would be absolutely essential that governments make the substance and process transparent - in terms of the language ability level and social integration programs expected. Most would-be immigrants and would-be understand that governments is exclusionary and could be discriminatory as well (Wright, 2008) but keeping the requirements and procedures ambiguous (as some countries do now) only continues to frustrate immigrants and would-be citizens - promoting the idea that governments introduce these requirements only to obstruct them.

## **CONCLUSION**

It is obvious that the role of a country's language policy is critical in determining its language assessment policy and practice towards potential immigrants, immigrants and potential citizens. Many countries position their language policy as public monolingual despite their own multilingualism and therefore require the standard variety of the dominant or official language for immigration or citizenship. These procedures are set in place in order to ensure civic nationalism social cohesion and national harmony once again fusing language proficiency, citizenship and identity. But achieving these goals is not just difficult but perhaps unrealistic the way it is done now and in present times.

The words of Richard Bartholdt, a successful politician whose dreams to run for U.S. Senate were thwarted by the anti-German hysteria of World War I, captures the feelings of many immigrants and citizens all over the world who are caught in this web of language requirements. In his memoirs published in 1930 (cited in Pavlenko, 2002), he asks

what has mere speech, the twisting of the tongue in one way or the other, to do with the loyalty of a citizen? It is not lip service a country needs, but genuine patriotism, and the source of that is man's conscience and not his tongue. If we have true loyalty in our heart of hearts, we can express it in any other language as beautifully as in English. Why, a man can be a good and true American without even knowing English, the same as a man who is physically unable to speak at all. It is right and proper that every American citizen, male and female, should master the language of the country. Even aside from public considerations, this is in their own interest. But from this it is a far cry to the assertion which nowadays is so often made, at least by implication, that a man cannot become a real American, if his mother tongue is a language other than English (p. 188-189).

Well said Richard Bartholdt, we might say! If only governments and the public were reading your words, we might be looking at a more nuanced public policy regarding language and social integration.

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### **Further reading**

Del Valle, S. (2003). *Language rights and the law*. Clevedon, U.K.: Multilingual Matters.

This book is a comprehensive guide to language rights in the U.S. It presents a history of language rights during nation formation, the 14<sup>th</sup> Amendment to the Constitution, English literacy, naturalization and voting rights, and nativism and language restrictions at the end of the 20<sup>th</sup> century.

Extra, G., Spotti, M., & van Avermaet, P. (2009). (Eds.), *Language testing, migration and citizenship*. London, UK: Continuum.

This collection of essays discusses cross-national developments in the area of language and integration requirements for immigration and citizenship in over 12 countries in Europe and around the world.

Hogan-Brun, G., Molinero, C. & Stevenson, P. (2009). (Eds.), *Discourses on language and integration: Critical perspectives on language testing regimes in Europe*. Amsterdam:

The Netherlands: John Benjamins.

This collection of essays introduces the reader to the ideological bases for the current language testing policies for immigration and citizenship legislation in Europe. The chapters problematize the testing regimes and reveal the hidden agenda of a monolingual, monoculture agenda in many European countries.

Shohamy, E. & McNamara, T. (2009). (Eds.) Language assessment for immigration and citizenship. *Language Assessment Quarterly*, 6, 1 [Special Issue].

This special issue features articles of a general nature and discussion of language assessment requirements in eight countries from Europe and around the world.

Antony John Kunnan is a Professor of Education at California State University, Los Angeles and Honorary Professor of Education at the University of Hong Kong. He has published widely on various topics in language assessment such as test fairness, test evaluation, structural equation modeling, differential item functioning, and language requirements for immigration and citizenship. He is the editor of *Language Assessment Quarterly*.

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