location of the official or court administering the oath of allegiance; statement that the Attorney General, having found that the applicant had complied in all respects with all of the applicable provisions of the naturalization laws of the United States, and was entitled to be admitted a citizen of the United States of America, thereupon ordered that the applicant be admitted as a citizen of the United States of America; attestation of an immigration officer; and the seal of the Department of Justice.

(June 27, 1952, ch. 477, title III, ch. 2, § 338, 66 Stat. 259; Pub. L. 101–649, title IV, § 407(c)(19), (d)(16), Nov. 29, 1990, 104 Stat. 5041, 5045; Pub. L. 102–232, title III, § 305(j), Dec. 12, 1991, 105 Stat. 1750; Pub. L. 103–416, title I, § 104(a), title II, § 219(z)(3), Oct. 25, 1994, 108 Stat. 4308, 4318.)

AMENDMENTS

1994—Pub. L. 103–416, § 219(z)(3), repealed Pub. L. 102–232, § 305(j)(1). See 1991 Amendment note below.

Pub. L. 103–416, § 104(a), struck out ''intends to reside permanently in the United States, except in cases falling within the provisions of section 1435(a) of this title,'' before ''had complied in''.

1991—Pub. L. 102–232, § 305(j)(2), substituted ''district'' for ''District'' before ''office of the Service''.

Pub. L. 102–232, § 305(j)(1), which made a technical correction to Pub. L. 101–649, § 407(d)(16)(C), which was unnecessary because the language sought to be corrected was already correct in Pub. L. 101–649 (see 1990 Amendment note below) was repealed by Pub. L. 103–416, § 219(z)(3). See Construction of 1994 Amendment note below.

1990—Pub. L. 101–649 substituted ''application'' for ''petition'' and ''applicant'' for ''petitioner'' in two places, struck out ''by a naturalization court'' after ''citizenship'', and substituted ''the Attorney General'' for ''the clerk of such court'', ''location of the District office of the Service in which the application was filed and the title, authority, and location of the official or court administering the oath of allegiance'' for ''title, venue, and location of the naturalization court'', ''the Attorney General'' for ''the court'', and ''of an immigration officer; and the seal of the Department of Justice'' for ''of the clerk of the naturalization court; and seal of the court''.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 104(e) of Pub. L. 103–416 provided that: ''The amendment made by subsection (a) [amending this section] shall apply to persons admitted to citizenship on or after the date of enactment of this Act [Oct. 25, 1994].''

Section 219(z) of Pub. L. 103–416 provided that the amendment made by subsec. (z)(3) of that section is effective as if included in the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, Pub. L. 102–232.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–232 effective as if included in the enactment of the Immigration Act of 1990, Pub. L. 101–649, see section 310(1) of Pub. L. 102–232, set out as a note under section 1101 of this title.

CONSTRUCTION OF 1994 AMENDMENT

Section 219(z)(3) of Pub. L. 103–416 provided that: ''paragraph (1) of section 305(j) of such Act [Pub. L. 102–232, amending section 407(d)(16)(C) of Pub. L. 101–649] is repealed (and section 407(d)(16)(C) of the Immigration Act of 1990 [Pub. L. 101–649, amending this section] shall read as if such paragraph had not been enacted)''.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

§ 1450. Functions and duties of clerks and records of declarations of intention and applications for naturalization

(a) The clerk of each court that administers oaths of allegiance under section 1448 of this title shall—

(1) deliver to each person administered the oath of allegiance by the court pursuant to section 1448(a) of this title the certificate of naturalization prepared by the Attorney General pursuant to section 1421(b)(2)(A)(ii) of this title,

(2) forward to the Attorney General a list of applicants actually taking the oath at each scheduled ceremony and information concerning each person to whom such an oath is administered by the court, within 30 days after the close of the month in which the oath was administered,

(3) forward to the Attorney General certified copies of such other proceedings and orders instituted in or issued out of the court affecting or relating to the naturalization of persons as may be required from time to time by the Attorney General, and

(4) be responsible for all blank certificates of naturalization received by them from time to time from the Attorney General and shall account to the Attorney General for them whenever required to do so.

No certificate of naturalization received by any clerk of court which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificates shall be returned to the Attorney General.

(b) Each district office of the Service in the United States shall maintain, in chronological order, indexed, and consecutively numbered, as part of its permanent records, all declarations of intention and applications for naturalization filed with the office.

(June 27, 1952, ch. 477, title III, ch. 2, § 339, 66 Stat. 259; Pub. L. 101–649, title IV, § 407(d)(17), Nov. 29, 1990, 104 Stat. 5045; Pub. L. 102–232, title I, § 102(b)(1), Dec. 12, 1991, 105 Stat. 1735.)

AMENDMENTS

1991—Subsec. (a). Pub. L. 102–232, § 102(b)(1)(F), inserted sentence at end relating to return of defaced or injured certificates of naturalization to Attorney General.

Subsec. (a)(1). Pub. L. 102–232, § 102(b)(1)(A), added par. (1) and struck out former par. (1) which read as follows: ''issue to each person to whom such an oath is administered a document evidencing that such an oath was administered,''.

Subsec. (a)(2). Pub. L. 102–232, § 102(b)(1)(B), inserted ''a list of applicants actually taking the oath at each scheduled ceremony and'' after ''Attorney General''.

Subsec. (a)(3), (4). Pub. L. 102–232, § 102(b)(1)(C)–(E), added par. (4), redesignated former par. (4) as (3) and substituted '', and'' for period at end, and struck out former par. (3) which directed clerk to make and keep on file evidence for each document issued.

1990—Pub. L. 101–649 amended section generally, substituting provisions relating to functions and duties of clerks and records of declarations of intention and applications for naturalization, for provisions relating to functions and duties of clerks of naturalization courts.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–232 effective 30 days after Dec. 12, 1991, see section 102(c) of Pub. L. 102–232, set out as a note under section 1421 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–649 not applicable to functions and duties respecting petitions filed before Oct. 1, 1991, see section 408(c) of Pub. L. 101–649, set out as a note under section 1421 of this title.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

§ 1451. Revocation of naturalization

(a) Concealment of material evidence; refusal to testify

It shall be the duty of the United States attorneys for the respective districts, upon affidavit showing good cause therefor, to institute proceedings in any district court of the United States in the judicial district in which the naturalized citizen may reside at the time of bringing suit, for the purpose of revoking and setting aside the order admitting such person to citizenship and canceling the certificate of naturalization on the ground that such order and certificate of naturalization were illegally procured or were procured by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate, respectively: *Provided*, That refusal on the part of a naturalized citizen within a period of ten years following his naturalization to testify as a witness in any proceeding before a congressional committee concerning his subversive activities, in a case where such person has been convicted of contempt for such refusal, shall be held to constitute a ground for revocation of such person's naturalization under this subsection as having been procured by concealment of a material fact or by willful misrepresentation. If the naturalized citizen does not reside in any judicial district in the United States at the time of bringing such suit, the proceedings may be instituted in the United States District Court for the District of Columbia or in the United States district court in the judicial district in which such person last had his residence.

(b) Notice to party

The party to whom was granted the naturalization alleged to have been illegally procured or procured by concealment of a material fact or by willful misrepresentation shall, in any such proceedings under subsection (a) of this section, have sixty days' personal notice, unless waived by such party, in which to make answers to the petition of the United States; and if such naturalized person be absent from the United States or from the judicial district in which such person last had his residence, such notice shall be given either by personal service upon him or by publication in the manner provided for the service of summons by publication or upon absentees by the laws of the States or the place where such suit is brought.

(c) Membership in certain organizations; prima facie evidence

If a person who shall have been naturalized after December 24, 1952 shall within five years next following such naturalization become a member of or affiliated with any organization, membership in or affiliation with which at the time of naturalization would have precluded such person from naturalization under the provisions of section 1424 of this title, it shall be considered prima facie evidence that such person was not attached to the principles of the Constitution of the United States and was not well disposed to the good order and happiness of the United States at the time of naturalization, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the revocation and setting aside of the order admitting such person to citizenship and the cancellation of the certificate of naturalization as having been obtained by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate, respectively.

(d) Applicability to citizenship through naturalization of parent or spouse

Any person who claims United States citizenship through the naturalization of a parent or spouse in whose case there is a revocation and setting aside of the order admitting such parent or spouse to citizenship under the provisions of subsection (a) of this section on the ground that the order and certificate of naturalization were procured by concealment of a material fact or by willful misrepresentation shall be deemed to have lost and to lose his citizenship and any right or privilege of citizenship which he may have, now has, or may hereafter acquire under and by virtue of such naturalization of such parent or spouse, regardless of whether such person is residing within or without the United States at the time of the revocation and setting aside of the order admitting such parent or spouse to citizenship. Any person who claims United States citizenship through the naturalization of a parent or spouse in whose case there is a revocation and setting aside of the order admitting such parent or spouse to citizenship and the cancellation of the certificate of naturalization under the provisions of subsection (c) of this section, or under the provisions of section 1440(c) of this title on any ground other than that the order and certificate of naturalization were procured by concealment of a material fact or by willful misrepresentation, shall be deemed to have lost and to lose his citizenship and any right or privilege of citizenship which would have been enjoyed by such person had there not been a revocation and setting aside of the order admitting such parent or spouse to citizenship and the cancellation of the certificate of naturalization, unless such person is residing in the United States at the time of the revocation and setting aside of the order admitting such parent or spouse to citizenship and the cancellation of the certificate of naturalization.