(d) Documentation of posthumous citizenship

If the Director of the Bureau of Citizenship and Immigration Services approves the request referred to in subsection (c) of this section, the Director shall send to the next-of-kin of the person who is granted citizenship, a suitable document which states that the United States considers the person to have been a citizen of the United States at the time of the person's death.

(June 27, 1952, ch. 477, title III, ch. 2, § 329A, as added Pub. L. 101–249, § 2(a), Mar. 6, 1990, 104 Stat. 94; Pub. L. 107–273, div. C, title I, § 11030(b), Nov. 2, 2002, 116 Stat. 1836; Pub. L. 108–136, div. A, title XVII, §§ 1703(g), 1704, Nov. 24, 2003, 117 Stat. 1695, 1696.)

CODIFICATION

November 24, 2003, referred to in subsec. (c)(2)(A)(i), was in the original ''the date of enactment of this section'', which was translated as meaning the date of enactment of Pub. L. 108–136, which enacted subsec. (c) of this section, to reflect the probable intent of Congress.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108–136, § 1703(g)(2), substituted ''Secretary of Homeland Security'' for ''Attorney General'' in two places.

Subsec. (c). Pub. L. 108–136, § 1704(1), added heading and text of subsec. (c) and struck out former subsec. (c) which related to procedures for approval by the Attorney General of a request for the granting of posthumous citizenship.

Subsec. (d). Pub. L. 108–136, § 1704(2), added heading and text of subsec. (d) and struck out former subsec. (d) which read as follows: ''If the Attorney General approves such a request to grant a person posthumous citizenship, the Attorney General shall send to the individual who filed the request a suitable document which states that the United States considers the person to have been a citizen of the United States at the time of the person's death.''

Subsec. (e). Pub. L. 108–136, § 1703(g)(1), struck out heading and text of subsec. (e). Text read as follows: ''Nothing in this section or section 1430(d) of this title shall be construed as providing for any benefits under this chapter for any spouse, son, daughter, or other relative of a person granted posthumous citizenship under this section.''

2002—Subsec. (c)(1)(A). Pub. L. 107–273 substituted ''November 2, 2002,'' for ''March 6, 1990,''.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–136 effective as if enacted Sept. 11, 2001, see section 1705 of Pub. L. 108–136, set out in a note under section 1439 of this title.

§§ 1440a to 1440d. Omitted

CODIFICATION

Sections, act June 30, 1953, ch. 162, §§ 1–4, 67 Stat. 108–110, which authorized naturalization of persons who served in the Armed Forces after June 29, 1950, and not later than July 1, 1955, were omitted as obsolete, since the provisions of section 1 of act June 30, 1953, required the petition for naturalization to be filed not later than December 31, 1955. See sections 1440 and 1440e of this title.

§ 1440e. Exemption from naturalization fees for aliens naturalized through service during Vietnam hostilities or other subsequent period of military hostilities; report by clerks of courts to Attorney General

Notwithstanding any other provision of law, no clerk of a United States court shall charge or collect a naturalization fee from an alien who has served in the military, air, or naval forces of the United States during a period beginning February 28, 1961, and ending on the date designated by the President by Executive order as the date of termination of the Vietnam hostilities, or thereafter during any other period which the President by Executive order shall designate as a period in which Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force, and who is applying for naturalization during such periods under section 329 of the Immigration and Nationality Act, as amended by this Act [8 U.S.C. 1440], for filing a petition for naturalization or issuing a certificate of naturalization upon his admission to citizenship, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected. A report of all transactions under this section shall be made to the Attorney General as in the case of other reports required of clerks of courts by title III of the Immigration and Nationality Act [8 U.S.C. 1401 et seq.].

(Pub. L. 90–633, § 3, Oct. 24, 1968, 82 Stat. 1344.)

REFERENCES IN TEXT

The Immigration and Nationality Act, referred to in text, is act June 27, 1952, ch. 477, 66 Stat. 163, as amended. Title III of the Act is classified principally to subchapter III (§ 1401 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of this title and Tables.

CODIFICATION

Section was not enacted as part of the Immigration and Nationality Act which comprises this chapter.

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.

§ 1440f. Fingerprints and other biometric information for members of the United States Armed Forces

(a) In general

Notwithstanding any other provision of law, including section 552a of title 5 (commonly referred to as the ''Privacy Act of 1974''), the Secretary of Homeland Security shall use the fingerprints provided by an individual at the time the individual enlisted in the United States Armed Forces, or at the time the individual filed an application for adjustment of status, to satisfy any requirement for background and security checks in connection with an application for naturalization if—

(1) the individual may be naturalized pursuant to section 1439 or 1440 of this title;

(2) the individual was fingerprinted and provided other biometric information in accordance with the requirements of the Department of Defense at the time the individual enlisted in the United States Armed Forces;