

mendations to the naturalization courts” before period at end of first sentence and struck out second sentence which read as follows: “Such examination, in the discretion of the Attorney General, and under such rules and regulations as may be prescribed by him, may be conducted before or after the applicant has filed his petition for naturalization.”

Subsec. (h). Pub. L. 101-649, § 406, added subsec. (h).

#### EFFECTIVE DATE OF 1991 AMENDMENT

Section 305(m) of Pub. L. 102-232 provided that the amendment made by that section is effective as if included in section 407(d) of the Immigration Act of 1990, Pub. L. 101-649.

#### 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.

### § 1443a. Naturalization proceedings overseas for members of the Armed Forces and their spouses and children

Notwithstanding any other provision of law, the Secretary of Homeland Security, the Secretary of State, and the Secretary of Defense shall ensure that any applications, interviews, filings, oaths, ceremonies, or other proceedings under title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) relating to naturalization of members of the Armed Forces, and persons made eligible for naturalization by section 319(e) or 322(d) of such Act [8 U.S.C. 1430(e), 1433(d)], are available through United States embassies, consulates, and as practicable, United States military installations overseas.

(Pub. L. 108-136, div. A, title XVII, § 1701(d), Nov. 24, 2003, 117 Stat. 1692; Pub. L. 110-181, div. A, title VI, § 674(c), Jan. 28, 2008, 122 Stat. 186.)

#### 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 enacted as part of the National Defense Authorization Act for Fiscal Year 2004, and not as part of the Immigration and Nationality Act which comprises this chapter.

#### AMENDMENTS

2008—Pub. L. 110-181 inserted “and their spouses and children” after “Armed Forces” in section catchline and “, and persons made eligible for naturalization by section 319(e) or 322(d) of such Act,” after “Armed Forces” in text.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-181 effective Jan. 28, 2008, and applicable to any application for naturalization or issuance of a certificate of citizenship pending on or after such date, see section 674(d) of Pub. L. 110-181, set out as a note under section 1430 of this title.

#### EFFECTIVE DATE

Section effective Oct. 1, 2004, see section 1705(b) of Pub. L. 109-136, set out as an Effective Date of 2003 Amendment note under section 1439 of this title.

#### FINALIZATION OF NATURALIZATION PROCEEDINGS FOR MEMBERS OF THE ARMED FORCES

Pub. L. 108-136, div. A, title XVII, § 1701(e), Nov. 24, 2003, 117 Stat. 1692, provided that: “Not later than 90 days after the date of the enactment of this Act [Nov. 24, 2003], the Secretary of Defense shall prescribe a policy that facilitates the opportunity for a member of the Armed Forces to finalize naturalization for which the member has applied. The policy shall include, for such purpose, the following:

“(1) A high priority for grant of emergency leave.

“(2) A high priority for transportation on aircraft of, or chartered by, the Armed Forces.”

### § 1444. Photographs; number

(a) Three identical photographs of the applicant shall be signed by and furnished by each applicant for naturalization or citizenship. One of such photographs shall be affixed by the Attorney General to the original certificate of naturalization issued to the naturalized citizen and one to the duplicate certificate of naturalization required to be forwarded to the Service.

(b) Three identical photographs of the applicant shall be furnished by each applicant for—

(1) a record of lawful admission for permanent residence to be made under section 1259 of this title;

(2) a certificate of derivative citizenship;

(3) a certificate of naturalization or of citizenship;

(4) a special certificate of naturalization;

(5) a certificate of naturalization or of citizenship, in lieu of one lost, mutilated, or destroyed;

(6) a new certificate of citizenship in the new name of any naturalized citizen who, subsequent to naturalization, has had his name changed by order of a court of competent jurisdiction or by marriage; and

(7) a declaration of intention.

One such photograph shall be affixed to each such certificate issued by the Attorney General and one shall be affixed to the copy of such certificate retained by the Service.

(June 27, 1952, ch. 477, title III, ch. 2, § 333, 66 Stat. 253; Pub. L. 101-649, title IV, § 407(c)(14), (d)(11), Nov. 29, 1990, 104 Stat. 5041, 5042; Pub. L. 103-416, title II, § 219(w), Oct. 25, 1994, 108 Stat. 4318.)

#### AMENDMENTS

1994—Subsec. (b)(1). Pub. L. 103-416 substituted “1259” for “1259(a)”.

1990—Subsec. (a). Pub. L. 101-649 substituted “applicant” for “petitioner” after “by each”, and “Attorney General” for “clerk of the court”.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-416 effective as if included in the enactment of the Immigration Act of 1990, Pub. L. 101-649, see section 219(dd) of Pub. L. 103-416, set out as a note under section 1101 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.

**§ 1445. Application for naturalization; declaration of intention**

**(a) Evidence and form**

An applicant for naturalization shall make and file with the Attorney General a sworn application in writing, signed by the applicant in the applicant's own handwriting if physically able to write, which application shall be on a form prescribed by the Attorney General and shall include averments of all facts which in the opinion of the Attorney General may be material to the applicant's naturalization, and required to be proved under this subchapter. In the case of an applicant subject to a requirement of continuous residence under section 1427(a) or 1430(a) of this title, the application for naturalization may be filed up to 3 months before the date the applicant would first otherwise meet such continuous residence requirement.

**(b) Who may file**

No person shall file a valid application for naturalization unless he shall have attained the age of eighteen years. An application for naturalization by an alien shall contain an averment of lawful admission for permanent residence.

**(c) Hearings**

Hearings under section 1447(a) of this title on applications for naturalization shall be held at regular intervals specified by the Attorney General.

**(d) Filing of application**

Except as provided in subsection (e) of this section, an application for naturalization shall be filed in the office of the Attorney General.

**(e) Substitute filing place and administering oath other than before Attorney General**

A person may file an application for naturalization other than in the office of the Attorney General, and an oath of allegiance administered other than in a public ceremony before the Attorney General or a court, if the Attorney General determines that the person has an illness or other disability which—

- (1) is of a permanent nature and is sufficiently serious to prevent the person's personal appearance, or
- (2) is of a nature which so incapacitates the person as to prevent him from personally appearing.

**(f) Declaration of intention**

An alien over 18 years of age who is residing in the United States pursuant to a lawful admission for permanent residence may file with the Attorney General a declaration of intention to become a citizen of the United States. Such a declaration shall be filed in duplicate and in a form prescribed by the Attorney General and shall be accompanied by an application prescribed and approved by the Attorney General. Nothing in this subsection shall be construed as requiring any such alien to make and file a declaration of intention as a condition precedent to filing an application for naturalization nor shall any such declaration of intention be regarded as conferring or having conferred upon any such alien United States citizenship or nationality or the right to United States citizenship or nation-

ality, nor shall such declaration be regarded as evidence of such alien's lawful admission for permanent residence in any proceeding, action, or matter arising under this chapter or any other Act.

(June 27, 1952, ch. 477, title III, ch. 2, §334, 66 Stat. 254; Pub. L. 97-116, §15(b), Dec. 29, 1981, 95 Stat. 1619; Pub. L. 101-649, title IV, §§401(b), 407(c)(15), (d)(12), Nov. 29, 1990, 104 Stat. 5038, 5041, 5042; Pub. L. 102-232, title III, §305(d), (e), (m)(7), Dec. 12, 1991, 105 Stat. 1750.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (f), was in the original a reference to this Act, meaning act June 27, 1952, ch. 477, 66 Stat. 163, known as the Immigration and Nationality Act, which is classified principally to 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.

AMENDMENTS

1991—Subsec. (a). Pub. L. 102-232, §305(m)(7), struck out “, in duplicate,” after “file with the Attorney General”.

Pub. L. 102-232, §305(e), made technical correction to directory language of Pub. L. 101-649, §407(d)(12)(B). See 1990 Amendment note below.

Subsecs. (f), (g). Pub. L. 102-232, §305(d), redesignated subsec. (g) as (f).

1990—Pub. L. 101-649, §407(d)(12)(A), substituted “Application for naturalization; declaration of intention” for “Petition for naturalization” in section catchline.

Subsec. (a). Pub. L. 101-649, §407(c)(15), (d)(12)(B), as amended by Pub. L. 102-232, §305(e), substituted “with the Attorney General” for “in the office of the clerk of a naturalization court”, “under this subchapter” for “upon the hearing of such petition”, and “application” for “petition” wherever appearing.

Pub. L. 101-649, §401(b), inserted at end “In the case of an applicant subject to a requirement of continuous residence under section 1427(a) or 1430(a) of this title, the application for naturalization may be filed up to 3 months before the date the applicant would first otherwise meet such continuous residence requirement.”

Subsec. (b). Pub. L. 101-649, §407(c)(15), (d)(12)(C), substituted “application” for “petition” in first sentence, and struck out “(1)” before “he shall have attained”, “and (2) he shall have first filed an application therefor at an office of the Service in the form and manner prescribed by the Attorney General” after “eighteen years”, and “petition for” after “An application for”.

Subsecs. (c) to (e). Pub. L. 101-649, §407(d)(12)(F), added subsecs. (c) to (e) and struck out former subsecs. (c) to (e) which related to time to file, substitute filing place, and investigation into reasons for substitute filing place, respectively.

Subsecs. (f), (g). Pub. L. 101-649, §407(c)(15), (d)(12)(D), (E), redesignated subsec. (f) as (g), substituted “An alien over 18 years of age who is residing in the United States pursuant to a lawful admission for permanent residence may file with the Attorney General a declaration of intention to become a citizen of the United States. Such a declaration shall be filed in duplicate and in a form prescribed by the Attorney General and shall be accompanied by an application prescribed and approved by the Attorney General.” for “Any alien over eighteen years of age who is residing in the United States pursuant to a lawful admission for permanent residence may, upon an application prescribed, filed with, and approved by the Service, make and file in duplicate in the office of the clerk of court, regardless of the alien's place of residence in the United States, a signed declaration of intention to become a citizen of the United States, in such form as the Attorney General shall prescribe.”, and substituted “an application” for “a petition” in last sentence.