

§ 329.3 Jurisdiction.

Except as noted in § 329.5, an application under this part may be filed in any office of the Service within the United States regardless of the place of residence of the applicant.

[56 FR 50493, Oct. 7, 1991]

§ 329.4 Application and evidence.

(a) *Application.* An applicant for naturalization under section 329 of the Act must submit an Application for Naturalization, Form N-400, as provided in § 316.4 of this chapter. The application must be accompanied by Form N-426, Certificate of Military or Naval Service, in triplicate, and Form G-325B, Biographic Form.

(b) *Evidence.* The applicant's eligibility for naturalization under § 329.2(a), (b), or (c)(2) shall be established only by the certification of the executive department under which the applicant served or is serving.

[56 FR 50493, Oct. 7, 1991, as amended at 60 FR 6651, Feb. 3, 1995]

§ 329.5 Natives of the Philippines with active duty service during World War II.

(a) A person desiring to naturalize in accordance with section 405 of the Immigration Act of 1990 shall establish that he/she:

(1) Was born in the Philippines;

(2) Served honorably at any time during the period beginning September 1, 1939, and ending December 31, 1946—

(i) In an active-duty status under the command of the United States Armed Forces in the Far East, or

(ii) Within the Commonwealth Army of the Philippines, the Philippine Scouts, or recognized guerrilla units; and

(3) Resided in the Philippines prior to the service described in paragraph (a)(2) of this section.

(b) An application under this section shall be submitted in compliance with § 329.2. In addition to the forms and documentation required in § 329.2 and the appropriate fee as required in § 103.7 of this chapter, an applicant shall submit:

(1) Proof of birth in the Philippines;

(2) Police clearance for any place of residence for more than six months in

the previous 5 years if such residence was not in the United States; and

(3) Proof of identity.

(c) If the applicant is residing in the United States, the application shall be submitted to the district or sub-office of the Service having jurisdiction over the place of residence in accordance with §§ 100.4 (b) and (c) of this chapter. A person residing outside the United States shall submit the application to the Northern Service Center, 100 Centennial Mall North, room B26, Lincoln, Nebraska 68508.

(d)(1) A person residing in the Philippines shall be examined on his or her application at Manila, Philippines, unless he or she indicates in the application a preference to be interviewed in the United States. Those persons wishing to be interviewed in the United States shall submit with the application a statement listing the desired location and the reasons therefor. The Service may interview the applicant at a different site other than the one requested if it would, in fact, be in the best interest of the applicant to do so.

(2) A person residing outside the United States and outside the Philippines may request to be interviewed in the Philippines or in the United States. If such a person elects to be interviewed in the Philippines, he or she will be solely responsible for obtaining the necessary documents for entry into the Philippines.

(e) To be considered an application for naturalization under section 405, the application must be received by the Service no earlier than November 29, 1990, and no later than February 3, 1995.

(f) No decision to approve or deny an application for naturalization under section 405 of the Immigration Act of 1990 may be made prior to May 1, 1991.

(g) The service described in § 329.5(a)(2) shall be provided solely by the duly authenticated records of the United States Army Reserve Personnel Records, St. Louis, Missouri, or the National Personnel Records Center, St. Louis, Missouri.

(h) Irrespective of the requirement in § 337.2(a) of this chapter that an administrative oath ceremony be conducted in the United States and within the jurisdiction in which the application was filed or was transferred pursuant to