

**§ 332.5 Official forms for use by clerks of court.**

(a) *Official forms essential to exercise of jurisdiction.* Before exercising jurisdiction in naturalization proceedings, the naturalization court shall direct the clerk of such court upon written application to obtain from the Service, in accordance with section 310(c) of the Immigration and Nationality Act, proper forms, records, booked, and supplies required in naturalization proceedings. Such jurisdiction may not be exercised until such official forms, records, and books have been supplied to such court. Only such forms as are supplied shall be used in naturalization proceedings. Where sessions of the court are held at different places, the judge of such court may require the clerk to obtain a separate supply of official forms, records and books for each such place.

(b) *Official forms prescribed for use of clerks of naturalization courts.* Clerks of courts shall use only the forms listed in § 499.1 of this chapter in the exercise of naturalization jurisdiction.

(c) *Initial application for official forms.* Whenever the initial application for forms, records, books and supplies is made by a State court of record, it shall be accompanied by a certificate of the Attorney General of the State, certifying that the said court is a court of record, having a seal, a clerk, and jurisdiction in actions at law or in equity, or at law and in equity, in which the amount in controversy is unlimited.

(d) *Subsequent application for use of official forms.* Included with the initial supply of official forms, records, and books furnished to the various courts by the Service shall be Form N-3 entitled "Requisition for Forms and Binders," and thereafter such forms shall be used by clerks of courts in making requisition for forms, records, books, and supplies for use in naturalization proceedings in their respective courts.

[22 FR 9817, Dec. 6, 1957. Redesignated and amended at 56 FR 50495, Oct. 7, 1991]

**PART 333—PHOTOGRAPHS**

Sec.

333.1 Description of required photographs.

333.2 Attachment of photographs to documents.

AUTHORITY: 8 U.S.C. 1103, 1443.

**§ 333.1 Description of required photographs.**

(a) Every applicant required to furnish photographs of himself or herself under section 333 of the Act and this chapter shall submit three identical color photographs that shall have a glossy finish and shall be no smaller than 40 mm in length by 35 mm in width, and no larger than 80 mm in length by 60 mm in width; shall be unmounted and printed on a thin paper; shall have a white background; shall clearly show a three-quarter profile view of the features of the applicant with head bare (unless the applicant is wearing a headdress as required by a religious order of which he or she is a member), with the distance from the top of the head to point of chin approximately 30 mm; and shall have been taken within 30 days of the date they are furnished. The image must be at least 26 mm in width. Photographs must be in natural color.

(b) The applicant, except in the case of a child or other person physically incapable of signing his or her name, shall sign each copy of the photograph on the front of the photograph with his or her full true name, in such manner as not to obscure the features. An applicant unable to write may make the signature by a mark. An applicant for naturalization must sign the photographs in the English language, unless the applicant is exempt from the English language requirement of part 312 of this chapter and is unable to sign in English, in which case the photographs may be signed in any language.

(c)(1) If a child is unable to sign his or her name, the photographs must be signed by a parent or guardian, the signature reading "(name of child) by (name of parent or guardian)."

(2) If an adult is physically unable to sign or make a mark, a guardian or the Service employee conducting the interview will sign the photographs as provided in paragraph (c)(1) of this section.

(d) The photographs must be signed when submitted with an application if

§ 333.2

the instructions accompanying the application so require. If signature is not required by the instructions, the photographs are to be submitted without being signed and shall be signed at such later time during the processing of the application as may be appropriate.

[56 FR 50495, Oct. 7, 1991]

**§ 333.2 Attachment of photographs to documents.**

A signed photograph of the applicant must be securely and permanently attached to each certificate of naturalization or citizenship, to each original and duplicate declaration of intention issued by the Service, and to each replacement copy of a declaration of intention, certificate of naturalization, or certificate of citizenship issued by the Service. If a seal is affixed to the document, the imprint of a part of the seal must extend over the lower portion of the photograph in such a manner as not to obscure the features of the applicant.

[56 FR 50495, Oct. 7, 1991]

**PART 334—APPLICATION FOR NATURALIZATION**

Sec.

- 334.1 Filing of application for naturalization.
- 334.2 Application for naturalization.
- 334.3 [Reserved]
- 334.4 Investigation and report if applicant is sick or disabled.
- 334.5 Amendment of application for naturalization; reopening proceedings.
- 334.6—334.10 [Reserved]
- 334.11 Declaration of intention.
- 334.12—334.15 [Reserved]
- 334.16 Amendment of petition for naturalization.
- 334.17 Transfer of petition for naturalization.
- 334.18 Withdrawal of petition and failure to prosecute.

AUTHORITY: 8 U.S.C. 1103, 1443.

**§ 334.1 Filing of application for naturalization.**

Any person who is an applicant under sections 316, 319, 322, 324, 325, 327, 328, 329, or 330 of the Act and the corresponding parts of this chapter, may apply for naturalization in accordance with the procedures prescribed in this

8 CFR Ch. I (1–1–98 Edition)

chapter at the Service office indicated in the appropriate part of this chapter.

[56 FR 50496, Oct. 7, 1991]

**§ 334.2 Application for naturalization.**

(a) An applicant may file an application for naturalization by filing a completed Form N-400 signed in the applicant's own handwriting, if physically able to do so, and by including any other documents required by parts 316, 319, 322, 324, 325, 327, 328, 329, and 330 of this chapter, as appropriate. An application prepared for a person physically unable to write shall be signed by the preparer, in the space marked "Preparer's signature." The applicant shall include the fee as required in § 103.7 of chapter B of this title, and a photocopy of the applicant's Alien Registration Card (Form I-551).

(b) An application for naturalization may be filed up to 90 days prior to the completion of the required period of residence, which may include the three-month period of residence required to establish jurisdiction under section 316(a) or 319(a) of the Act.

[56 FR 50496, Oct. 7, 1991, as amended at 59 FR 48780, Sept. 20, 1993]

**§ 334.3 [Reserved]**

**§ 334.4 Investigation and report if applicant is sick or disabled.**

Whenever it appears that an applicant for naturalization may be unable, because of sickness or other disability, to appear for the initial examination on the application or for any subsequent interview, the district director shall cause an investigation to be conducted to determine the circumstances surrounding the sickness or disability. The district director shall determine, based on available medical evidence, whether the sickness or disability is of a nature which so incapacitates the applicant as to prevent the applicant's appearance at a Service office having jurisdiction over the applicant's place of residence. If so, the district director shall designate another place where the applicant may appear for the requisite naturalization proceedings.

[58 FR 49913, Sept. 24, 1993]