

§ 392.4

8 CFR Ch. I (1-1-00 Edition)

estate. In the case of a service organization acting as a representative, authorization must also have been obtained from any appointed representative. A veterans service organization must submit evidence of recognition by the Department of Veterans Affairs.

Once the Service has granted posthumous citizenship to a person, no subsequent applications on his or her behalf shall be approved, nor shall any additional original certificates be issued, except in the case of an application for issuance of a replacement certificate for one lost, mutilated, or destroyed.

(b) *Filing of application.* (1) An application for posthumous citizenship shall be submitted by mail on Form N-644, according to the instructions on the form, to the INS Service Center having jurisdiction over the applicant's state of residence. Persons residing outside the United States must mail their applications to any one of the four Service Centers.

(2) Form N-644 must be accompanied by the appropriate fee specified by and remitted in accordance with the provisions of §103.7 (a) and (b) of this chapter. The fee may not be waived or refunded. To facilitate the certification process, a legible copy of each of the following documents, if available, should be submitted with Form N-644:

(i) DD Form 214, Certificate of Release or Discharge from Active Duty;

(ii) DD Form 1300, Report of Casualty/Military Death Certificate; or,

(iii) Other military or State-issued death certificate.

(c) *Application period for requesting posthumous citizenship.* Form N-644 shall be filed with the appropriate INS Service Center not later than March 5, 1992, or 2 years after the date of the person's death, whichever date is later.

(d) *Denial of application.* When the application is denied, the applicant shall be notified of the decision and the reason(s) for denial. There is no appeal from the denial of an application under this part.

§ 392.4 Issuance of a certificate of citizenship.

(a) *Approval of application.* If the application (Form N-644) is approved, the director of the Service Center shall

issue a Certificate of Citizenship, Form N-645, to the applicant, in the name of the decedent.

(b) *Delivery of certificate.* Delivery of the Certificate of Citizenship shall be made by registered mail to the address designated by the applicant. If the applicant resides outside the United States, the certificate shall be sent by registered mail to the Service office abroad, if one is located where delivery is to be made; otherwise, it shall be forwarded to the nearest American Embassy or Consulate.

(c) *Effective date of citizenship.* Where the Service has approved an Application for Posthumous Citizenship (Form N-644), the decedent shall be considered a United States citizen as of the date of his or her death.

(d) *Ineligibility for immigration benefits.* The granting of posthumous citizenship under section 329A of the Immigration and Naturalization Act, as amended, and issuance of a certificate under paragraph (a) of this section, shall not entitle the surviving spouse, parent, son, daughter, or other relative of the decedent to any benefit under any provision of the Act. Nor shall such grant make applicable the provisions of section 319(d) of the Act to the surviving spouse.

(e) *Replacement certificate.* An application for a replacement Certificate of Citizenship (Form N-645) shall be made on Form N-565, Application for a New Naturalization or Citizenship Paper, for a lost, mutilated, or destroyed certificate. Form N-565 shall be completed according to the instructions on the form and submitted by mail with the appropriate fee to the INS Service Center having jurisdiction over the applicant's state of residence. Persons residing outside the United States must mail their application to the Service Center that issued the original certificate.

PART 499—NATIONALITY FORMS

AUTHORITY: 8 U.S.C. 1103; 8 CFR part 2.

§ 499.1 Prescribed forms.

The forms listed below are prescribed for use in compliance with the provisions of subchapter C of this chapter.

Immigration and Naturalization Service, Justice

§ 507.1

To the maximum extent feasible, the forms used should bear the edition date shown or a subsequent edition date.

Form No.	Edition date	Title and description
M-288	12-30-87	United States History 1600-1987, Level II.
M-289	12-31-87	United States History 1600-1987, Level I.
M-290	01-01-90	U.S. Government Structure, Level II.
M-291	12-31-87	U.S. Government Structure, Level I.
M-302	03-16-89	For the People * * *, U.S. Citizenship Education and Naturalization Information.
M-303	03-16-89	By the People * * *, U.S. Government Structure.
M-304	03-16-89	Of the People * * *, U.S. History 1600-1988.
N-3	01-30-83	Requisition for Forms and Binders.
N-4	12-14-93	Monthly Report—Naturalization Papers Forwarded.
N-300	10-01-91	Application to File Declaration of Intention.
N-335	10-24-91	Decision on Application for Naturalization.
N-336	10-24-91	Request for Hearing on a Decision in Naturalization Proceedings under section 336 of the Act.
N-400	07-17-91	Application for Naturalization.
N-404	08-01-65	Request for Withdrawal of Petition for Naturalization.
N-410	09-07-89	Motion for Amendment of Petition (application).
N-425	02-12-82	Notice to Petitioner of Proposed Recommendation of Denial of Petition for Naturalization.
N-426	05-12-77	Request for Certification of Military or Naval Service.
N-445	01-08-92	Notice of Naturalization Oath Ceremony.
N-455	04-11-91	Application for Transfer of Petition for Naturalization.
N-459	12-15-58	Authorization to Clerk of Court to Correct Certificate of Naturalization.
N-470	04-11-91	Application to Preserve Residence for Naturalization Purposes.
N-472	04-05-82	Notice of Approval of Application to Preserve Residence.
N-480	02-05-68	Naturalization Petitions Recommended to be Granted (and Order of Court Granting Petitions for Naturalization.
N-481	09-20-67	Naturalization Petitions Recommended to be Granted (Continuation Sheet).
N-484	02-05-68	Naturalization Petitions Recommended to be Denied (and Order of Court Denying Petitions for Naturalization.
N-485	02-05-68	Naturalization Petitions Recommended to be Granted (on behalf of children) (and) Order of Court Granting Petitions for Naturalization.
N-550	06-30-91	Certificate of Naturalization.
N-565	11-18-93	Application for Replacement Naturalization/Citizenship Document.
N-578	10-03-62	Special Certificate of Naturalization.
N-600	04-11-91	Application for Certificate of Citizenship.
N-643	05-10-93	Application for Certificate of Citizenship on Behalf of an Adopted Child.
N-644	05-30-91	Application for Posthumous Citizenship.
N-645	07-01-90	Certificate of Citizenship.
N-646	01-03-92	Naturalization Applicants Eligible to be Administered Oath of Allegiance.
N-646A	01-03-92	Naturalization Applicants Eligible to be Administered Oath of Allegiance (Continuation Sheet).
N-647	01-15-92	Oath of Allegiance and Certificate Accountability List.
N-647A	01-15-92	Oath of Allegiance and Certificate Accountability List (Continuation Sheet).
N-648	02-04-99	Medical Certification for Disability Exceptions.

[59 FR 25561, May 17, 1994, as amended at 61 FR 47801, Sept. 11, 1996; 62 FR 12924, Mar. 19, 1997; 64 FR 7993, Feb. 18, 1999]

PART 507—ALIEN TERRORIST REMOVAL PROCEDURES

AUTHORITY: Pub. L. 105-277, 112 Stat. 2681.

§ 507.1 Eligibility for Protection under the Convention Against Torture.

A removal order under Title V of the Act shall not be executed in circumstances that would violate Article 3 of the United Nations Convention