

or affirmation in specific cases. Those cases which necessitate an interview enabling an officer to properly adjudicate the application at the office having jurisdiction will be determined by a supervising officer. If an application for a new certificate of naturalization, citizenship, or repatriation or a new declaration of intention is approved, the new certificate or declaration shall be issued and delivered by personal service in accordance with § 103.5a(a)(2) of this chapter. If an application for a new certified copy of the proceedings under the Act of June 25, 1936, as amended, or under section 317(b) of the Nationality Act of 1940, or under section 324(c) of the Immigration and Nationality Act, or under the provisions of any private law is approved, a certified positive photocopy of the record of the proceedings filed with the Service shall be issued. If, subsequent to naturalization or repatriation, the applicant's name was changed by marriage, the certification of the positive photocopy shall show both the name in which the proceedings were conducted and the changed name. The new certified copy shall be personally delivered to the applicant upon his or her signed receipt therefor. If the application is denied, the applicant shall be notified of the reasons therefor and of the right to appeal in accordance with the provisions of part 103 of this chapter.

[23 FR 9125, Nov. 26, 1958, as amended at 32 FR 9635, July 7, 1967; 51 FR 35629, Oct. 7, 1986]

§ 343a.2 Return or replacement of surrendered certificate of naturalization or citizenship.

A certificate of naturalization or citizenship which is contained in a Service file, and which was surrendered on a finding that loss of nationality occurred directly or through a parent as a result of the application of any of the following sections of law may, upon request, be returned to the person to whom it was originally issued, notwithstanding the fact that he or she has since been naturalized or repatriated in the United States or abroad:

(a) Section 404 (b) or (c) of the Nationality Act of 1940;

(b) Section 352 of the Immigration and Nationality Act, which was invalidated by *Schneider v. Rusk*, 377 U.S. 163;

(c) Section 401(e) of the Nationality Act of 1940;

(d) Section 349(a)(5) of the Immigration and Nationality Act, which was invalidated by *Afroyim v. Rusk*, 387 U.S. 253;

(e) Section 301(b) of the Immigration and Nationality Act

(f) Section 301(c) of the Immigration and Nationality Act relative to persons born after May 24, 1934, which was invalidated by amendment to section 301(b) on October 27, 1972, Public Law 92-584.

If, after having been surrendered to the Department of State or to the Service, the certificate was lost, mutilated, or destroyed as a result of action by the Service or that Department, a replacement certificate may be issued in the name shown in the surrendered certificate without fee and without requiring the submission of Form N-565. A surrendered certificate shall not be regarded as mutilated and a replacement shall not be issued solely because of holes made in it to accommodate a fastener, unless the citizen declines to accept the return of the surrendered certificate in that condition and insists upon issuance of a replacement. When it is desired that the replacement certificate be furnished in a name other than the one shown in the surrendered certificate, the regular application procedure with payment of fee must be followed.

[51 FR 35629, Oct. 7, 1986]

PART 343b—SPECIAL CERTIFICATE OF NATURALIZATION FOR RECOGNITION BY A FOREIGN STATE

Sec.

- 343b.1 Application.
- 343b.2 Number of applications required.
- 343b.3 Interrogation.
- 343b.4 Applicant outside of United States.
- 343b.5 Verification of naturalization.
- 343b.11 Disposition of application.

AUTHORITY: 8 U.S.C. 1103, 1443, 1454, 1455.

§ 343b.1 Application.

A naturalized citizen who desires to obtain recognition as a citizen of the United States by a foreign state shall

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submit an application on Form N-565. He shall not be furnished with verification of his naturalization for such purpose in any other way. An applicant who is a claimant against a foreign government for property damage pursuant to the provisions of a peace treaty shall not be requested to furnish the name, official title, and address of a foreign official unless such information is available when the investigation of the applicant is conducted. The applicant shall be required to appear in person before an assigned officer for interrogation under oath or affirmation upon the application.

[32 FR 9636, July 4, 1967, as amended at 56 FR 50502, Oct. 7, 1991]

§ 343b.2 Number of applications required.

A special certificate of naturalization is delivered to one foreign government official only. An applicant who desires recognition as a U.S. citizen by more than one foreign official, whether in the same country or not, must file a separate application for each certificate required.

[32 FR 9636, July 4, 1967]

§ 343b.3 Interrogation.

When Form N-565 presents a prima facie case, it shall be forwarded to the district director, without first interrogating the applicant, for issuance of the certificate. Interrogation of the applicant shall be conducted before the application is forwarded if he appears in person to file the application or if it is necessary in order to properly adjudicate the case. In that event the officer interviewing the applicant will complete the report on page 2 of Form N-565 before transmitting the application to the district director. In all other cases the interview shall take place at any time before the certificate is transmitted to the State Department (unless the applicant is abroad) and the report completed after the interview.

[32 FR 9636, July 4, 1967, as amended at 58 FR 49917, Sept. 24, 1993]

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§ 343b.4 Applicant outside of United States.

If the application is received by a Service officer stationed outside the United States, he shall, when practicable, interrogate the applicant before the application is forwarded to the district director in the United States having jurisdiction over the applicant's place of residence for issuance of the certificate. When such interrogation is not practicable, or is not conducted because the application is submitted directly to the Commissioner or a district director of the Service in the United States, the certificate may nevertheless be issued and the recommendation conditioned upon satisfactory interrogation by a State Department representative. When forwarding the certificate in such a case, the Secretary of State shall be informed that the applicant has not been interviewed, and requested to have his representative abroad interview the applicant regarding identity and possible expatriation. If identity is not established or if expatriation has occurred, the request shall be made that the certificate be returned to the Service.

[37 FR 7584, Apr. 18, 1972]

§ 343b.5 Verification of naturalization.

The application shall not be granted without first obtaining verification of the applicant's naturalization.

[32 FR 9636, July 4, 1967]

§ 343b.11 Disposition of application.

(a) *Issuance of certificate.* If the application is granted, a special certificate of naturalization of Form N-578 shall be issued by the district director and forwarded to the Secretary of State for transmission to the proper authority of the foreign state. The district director shall forward the original certificate by letter, in triplicate, to the Secretary of State, Attention: Office of Citizens' Consular Service, Department of State, Washington, DC 20520; forward the application and the duplicate certificate to the official Service file, and send Form N-568 to the applicant.

(b) *Application denied.* If the application is denied, the applicant shall be notified of the reasons therefor and of

his right to appeal in accordance with the provisions of part 103 of this chapter.

[23 FR 9126, Nov. 26, 1958 and 32 FR 9636, July 4, 1967, as amended at 36 FR 11636, June 17, 1971; 45 FR 38340, June 9, 1980]

PART 343c—CERTIFICATIONS FROM RECORDS

AUTHORITY: 5 U.S.C. 552 (80 Stat. 383); as amended by Pub. L. 93-502 (88 Stat. 1561); sec. 103 Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103).

§ 343c.1 Application for certification of naturalization record of court or certificate of naturalization or citizenship.

An application for certification of a naturalization record of any court, or of any part thereof, or of any certificate of naturalization, repatriation, or citizenship, under section 343(e) of the Act for use in complying with any statute, Federal or State, or in any judicial proceeding, shall be made on Form G-641.

[40 FR 50703, Oct. 31, 1975]

PART 349—LOSS OF NATIONALITY

AUTHORITY: Sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interprets or applies 401(i), 54 Stat. 1169; 8 U.S.C. 801, 1946 ed.

§ 349.1 Japanese renunciation of nationality.

A Japanese who renounced United States nationality pursuant to the provisions of section 401(i), Nationality Act of 1940, who claims that his renunciation is void, shall complete Form N-576, Supplemental Affidavit to be Submitted with Applications of Japanese Renunciants. The affidavit shall be submitted to the Assistant Attorney General, Civil Division, Department of Justice, Washington, DC 20530, with a covering letter requesting a determination of the validity of the renunciation.

[32 FR 9636, July 4, 1967]

PART 392—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PERSONS WHO DIE WHILE SERVING ON ACTIVE DUTY WITH THE UNITED STATES ARMED FORCES DURING CERTAIN PERIODS OF HOSTILITIES

Sec.

392.1 Definitions.

392.2 Eligibility for posthumous citizenship.

392.3 Application for posthumous citizenship.

392.4 Issuance of a certificate of citizenship.

AUTHORITY: 8 U.S.C. 1103, 1440 and note, and 1440-1; 8 CFR part 2.

SOURCE: 56 FR 22822, May 17, 1991, unless otherwise noted.

§ 392.1 Definitions.

As used in this part:

Active-duty status means full-time duty in the active military service of the United States, and includes full-time training duty, which constitutes qualifying service under section 329(a) of the Act. Active service in the United States Coast Guard during one of the periods of hostilities specified herein shall constitute service in the military, air, or naval forces of the United States. Active-duty status also includes annual training duty and attendance, while in the active military service, at a service school designated by the military authorities under 10 U.S.C. 101(22). The order of a national guardsman into active duty for training under 10 U.S.C. 672 constitutes service in active-duty status in the military forces of the United States. Active duty in a noncombatant capacity is qualifying service.

Decedent means the person on whose behalf an application for a certificate of posthumous citizenship is made.

Induction, enlistment, and reenlistment, refer to the decedent's place of entry into active duty military service.

Korean Hostilities relates to the period from June 25, 1950, to July 1, 1955, inclusive.

Lodge Act means the Act of June 30, 1950, which qualified for naturalization nonresident aliens who served honorably for 5 years in the United States Army during specified periods, notwithstanding that they never formally