

§ 329.3

- (1) World War I;
 - (2) The period beginning on September 1, 1939 and ending on December 31, 1946;
 - (3) The period beginning on June 25, 1950 and ending on July 1, 1955;
 - (4) The period beginning on February 28, 1961 and ending on October 15, 1978; or
 - (5) Any other period as may be designated by the President in an Executive Order pursuant to section 329(a) of the Act;
- (b) If separated, has been separated honorably from service in the Armed Forces of the United States under paragraph (a) of this section;
 - (c) Satisfies the permanent residence requirement in one of the following ways:
 - (1) Any time after enlistment or induction into the Armed Forces of the United States, the applicant was lawfully admitted to the United States as a permanent resident; or
 - (2) At the time of enlistment or induction, the applicant was physically present in the geographical territory of the United States, the Canal Zone, American Samoa, Midway Island (prior to August 21, 1959), or Swain's Island, or in the ports, harbors, bays, enclosed sea areas, or the three-mile territorial sea along the coasts of these land areas, whether or not the applicant has been lawfully admitted to the United States as a permanent resident;
 - (d) Has been, for at least one year prior to filing the application for naturalization, and continues to be, of good moral character, attached to the principles of the Constitution of the United States, and favorably disposed toward the good order and happiness of the United States; and
 - (e) Has complied with all other requirements for naturalization as provided in part 316 of this chapter, except that:
 - (1) The applicant may be of any age;
 - (2) The applicant is not required to satisfy the residence requirements under §316.2 (a)(3) through (a)(6) of this chapter; and
 - (3) The applicant may be naturalized even if an outstanding notice to appear pursuant to 8 CFR part 239 (including a charging document issued to commence proceedings under sections 236

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or 242 of the Act prior to April 1, 1997) exists.

[56 FR 50493, Oct. 7, 1991, as amended at 58 FR 49913, Sept. 24, 1993; 62 FR 10395, Mar. 6, 1997]

§ 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