

§ 313.2

trust, foundation, or fund, and any group of persons, whether incorporated or not, permanently or temporarily associated together for joint action on any subject or subjects.

Publication or publishing of a work includes writing or printing a work; permitting, authorizing, or consenting to the writing or printing of a work; and paying for the writing or printing of a work.

Subversive is any individual who advocates or teaches:

- (1) Opposition to all organized government;
- (2) The overthrow, by force or violence or other unconstitutional means, of the Government of the United States or of all forms of law;
- (3) The duty, necessity, or propriety of the unlawful assaulting or killing, either individually or by position, of any officer or officers of the United States or of any other organized government, because of his, her, or their official character;
- (4) The unlawful damage, injury, or destruction of property; or
- (5) Sabotage.

Totalitarian dictatorship and *totalitarianism* refer to systems of government not representative in fact and characterized by:

- (1) The existence of a single political party, organized on a dictatorial basis, with so close an identity between the policies of such party and the government policies of the country in which the party exists that the government and the party constitute an indistinguishable unit; and
- (2) The forcible suppression of all opposition to such a party.

Totalitarian party includes:

- (1) Any party in the United States which advocates totalitarianism;
- (2) Any party in any State of the United States, in any foreign state, or in any political or geographical subdivision of any foreign state which advocates or practices totalitarianism;
- (3) Any section, subsidiary, branch, affiliate, or subdivision of any such association or party; and
- (4) The direct predecessors or successors of any such association or party, regardless of what name such group or

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organization may have used, may now bear, or may hereafter adopt.

[56 FR 50482, Oct. 7, 1991, as amended at 58 FR 49912, Sept. 24, 1993]

§ 313.2 Prohibitions.

Except as provided in § 313.3, no applicant for naturalization shall be naturalized as a citizen of the United States if, within ten years immediately preceding the filing of an application for naturalization or after such filing but before taking the oath of citizenship, such applicant:

- (a) Is or has been a member of or affiliated with the Communist Party or any other totalitarian party; or
- (b) Is or has advocated communism or the establishment in the United States of a totalitarian dictatorship; or
- (c) Is or has been a member of or affiliated with an organization that advocates communism or the establishment in the United States of a totalitarian dictatorship, either through its own utterance or through any written or printed matter published by such organization; or
- (d) Is or has been a subversive, or a member of, or affiliated with, a subversive organization; or
- (e) Knowingly is publishing or has published any subversive written or printed matter, or written or printed matter advocating communism; or
- (f) Knowingly circulates or has circulated, or knowingly possesses or has possessed for the purpose of circulating, subversive written or printed matter, or written or printed matter advocating communism; or
- (g) Is or has been a member of, or affiliated with, any organization that publishes or circulates, or that possesses for the purpose of publishing or circulating, any subversive written or printed matter, or any written or printed matter advocating communism.

§ 313.3 Statutory exemptions.

(a) *General.* An applicant shall bear the burden of establishing that classification in one of the categories listed under § 313.2 is not a bar to naturalization.

(b) *Exemptions.* Despite membership in or affiliation with an organization covered by § 313.2, an applicant may be