

## Department of Homeland Security

## § 316.20

(3) The applicant shall bear the burden of establishing that any crimes committed, regardless of whether the applicant was convicted, occurred while the applicant was declared legally incompetent.

### § 316.13 [Reserved]

### § 316.14 Adjudication—examination, grant, denial.

(a) *Examination.* The examination on an application for naturalization shall be conducted in accordance with Section 335 of the Act.

(b) *Determination*—(1) *Grant or denial.* Subject to supervisory review, the employee of the Service who conducts the examination under paragraph (a) of this section shall determine whether to grant or deny the application, and shall provide reasons for the determination, as required under section 335(d) of the Act.

(2) *Appeal.* An applicant whose application for naturalization has been denied may request a hearing, which shall be carried out in accordance with section 336 of the Act.

### §§ 316.15–316.19 [Reserved]

### § 316.20 American institutions of research, public international organizations, and designations under the International Immunities Act.

(a) *American institutions of research.* The following-listed organizations have been determined to be American Institutions of research recognized by the Attorney General:

African Medical and Research Foundation (AMREF-USA).  
Albert Einstein College of Medicine of Yeshiva University (only in relationship to its research programs).  
American Friends of the Middle East, Inc.  
American Institutes of Research in the Behavioral Sciences (only in relationship to research projects abroad).  
American Universities Field Staff, Inc.  
American University, The, Cairo, Egypt.  
American University of Beirut (Near East College Associations).  
Arctic Institute of North America, Inc.  
Armour Research Foundation of Illinois Institute of Technology.  
Asia Foundation, The (formerly Committee for a Free Asia, Inc.).  
Association of Universities for Research in Astronomy (AURA, Inc.), Tucson, AZ.  
Atomic Bomb Casualty Commission.

Beirut University College.  
Bermuda Biological Station for Research, Inc.  
Bernice P. Bishop Museum of Polynesian Antiquities, Ethnology and Natural History at Honolulu, HI.  
Brookhaven National Laboratory, Associated Universities, Inc.  
Brown University (Department of Engineering), Providence, RI.  
Buffalo Eye Bank and Research Society, Inc.  
Burma Office of Robert N. Nathan Associates, Inc.  
California State University at Long Beach, Department of Geological Sciences.  
Carleton College (Department of Sociology and Anthropology), Northfield, MN.  
Center of Alcohol Studies, Laboratory of Applied Biodynamics of Yale University.  
Central Registry of Jewish Losses in Egypt.  
College of Engineering, University of Wisconsin.  
College of Medicine, State University of New York.  
Colorado State University (Research Foundation), Fort Collins, CO.  
Colorado University (International Economic Studies Center), Boulder, CO.  
Columbia University (Parker School of Foreign and Comparative Law) and (Faculty of Pure Science), New York, NY.  
Cornell University (International Agricultural Development, University of the Philippines-Cornell University Graduate Education Program).  
Dartmouth Medical School.  
Department of French, Department of Scandinavian Languages, and Department of Near Eastern Languages of the University of California, Berkeley, CA.  
Duke University.  
Environmental Research Laboratory of the University of Arizona.  
Fletcher School of Law and Diplomacy, Medford, MA.  
Ford Foundation, 477 Madison Avenue, New York, NY.  
Free Europe, Inc. (formerly Free Europe Committee, Inc.; National Committee for a Free Europe (including Radio Free Europe)).  
Georgetown University.  
George Williams Hooper Foundation, San Francisco Medical Center, University of California, San Francisco, CA.  
Gorgas Memorial Institute of Tropical and Preventive Medicine, Inc., and its operating unit, the Gorgas Memorial Laboratory.  
Graduate Faculty of Political and Social Science Division of the New School for Social Research, New York, NY.  
Harvard University (research and educational programs only)  
Harvard-Yenching Institute.

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Humboldt State University, School of Natural Resources, Wildlife Management Department.

Indiana University at Bloomington, Indianapolis, South Bend, Northwest, Kokomo, Southeast, East, and Fort Wayne

Institute for Development Anthropology, Inc.

Institute of International Education, Inc.

Institute of International Studies, University of California, Berkeley, CA.

International Center for Social Research, New York, NY.

International Development Foundation, Inc.

International Development Services, Inc.

International Research Associates, Inc.

Inter-University Program for Chinese Language Studies (formerly Stanford Center for Chinese Studies) in Taipei, Taiwan.

Iowa State University.

Iran Foundation, Inc., The.

Kossuth Foundation, Inc., The, New York, NY.

Louisiana State University.

Massachusetts Institute of Technology.

Michigan State University, East Lansing, MI.

Missouri Botanical Garden (research and educational programs only)

Natural Science Foundation, Philadelphia, PA.

New York Zoological Society.

Paderewski Foundation, Inc.

Peabody Museum of Natural History of Yale University.

People to People Health Foundation, Inc., The (only in relationship to the scientific research activities that will be carried on abroad by the medical staff of the SS “Hope”).

Pierce College (in relationship to research by an instructor, Department of Psychology), Athens, Greece.

Population Council, The, New York, NY.

Radio Liberty Committee, Inc. (formerly American Committee for Liberation, Inc.; American Committee for Liberation of the Peoples of Russia, Inc.; American Committee for Liberation from Bolshevism, Inc.).

Rockefeller Foundation.

Rutgers University, the State University of New Jersey

School of International Relations of the University of Southern California.

SIRIMAR (Societa Internazionale Recerche Marine) Division, Office of the Vice President for Research, Pennsylvania State University.

Social Science Research Council.

Solar Energy Research Institute (SERI).

Stanford Electronic Laboratories, Department of Electrical Engineering, School of Engineering, Stanford University, Stanford, CA.

Stanford Research Institute, Menlo Park, CA.

Stanford University (the George Vanderbilt Foundation), Stanford, CA.

Syracuse University.

Tulane University Graduate School.

Tulane University Medical School.

University of Alabama.

University of Alabama Medical Center.

University of Chicago (as a participant in the International Cooperation Administration Program No. W-74 only).

University of Colorado (Department of History), Boulder, CO.

University of Connecticut, College of Liberal Arts and Science (Department of Germanic and Slavic Languages).

University of Hawaii, Honolulu, HI.

University of Illinois at Urbana-Champaign, Austria-Illinois Exchange Program.

University of Kansas, Office of International Programs.

University of La Verne (La Verne College of Athens)

University of Michigan (School of Natural Resources), Ann Arbor, MI.

University of Minnesota, Department of Plant Pathology (in relationship to research project abroad).

University of Nebraska Mission in Columbia, South America.

University of North Carolina at Chapel Hill.

University of Notre Dame, Notre Dame, IN.

University of Puerto Rico.

University of Washington (Department of Marketing, Transportation, and International Business) and (The School of Public Health and Community Medicine), Seattle, WA.

Wayne State University, Detroit, MI.

Wenner-Gren Foundation for Anthropological Research, Inc.

Williams College, Economic Department, Williamstown, MA.

(b) *Public international organizations of which the United States is a member by treaty or statute.* The following-listed organizations have been determined to be public international organizations of which the United States is a member by treaty or statute:

The North Atlantic Treaty Organization.  
United Nations and all agencies and organizations which are a part thereof.

(c) *International Organizations Immunities Act designations.* The following public international organizations are entitled to enjoy the privileges, exemptions, and immunities provided for in the International Organizations Immunities Act, and are considered as public international organizations of which the United States is a member by treaty or statute within the meaning of section 316(b) of the Act and as public

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international organizations in which the United States participates by treaty or statute within the meaning of section 319(b) of the Act:

- African Development Bank (E.O. 12403, Feb. 8, 1983).
- African Development Fund (E.O. 11977, Mar. 14, 1977).
- Asian Development Bank (E.O. 11334, Mar. 7, 1967).
- Caribbean Organization (E.O. 10983, Dec. 30, 1961).
- Criminal Police Organization (E.O. 12425, June 16, 1983).
- Customs Cooperation Council (E.O. 11596, June 5, 1971).
- European Space Research Organization (ESRO) (E.O. 11760, Jan. 17, 1974).
- Food and Agriculture Organization, The (E.O. 9698, Feb. 19, 1946).
- Great Lakes Fishery Commission (E.O. 11059, Oct. 23, 1962).
- Inter-American Defense Board (E.O. 10228, Mar. 26, 1951).
- Inter-American Development Bank (E.O. 10873, Apr. 8, 1960).
- Inter-American Institute for Cooperation on Agriculture (E.O. 9751, July 11, 1946).
- Inter-American Statistical Institute (E.O. 9751, July 11, 1946).
- Inter-American Tropical Tuna Commission (E.O. 11059, Oct. 23, 1962).
- Intergovernmental Committee for European Migration (formerly the Provisional Intergovernmental Committee for the Movement of Migrants from Europe) (E.O. 10335, Mar. 28, 1952).
- Intergovernmental Maritime Consultative Organization (E.O. 10795, Dec. 13, 1958).
- International Atomic Energy Agency (E.O. 10727, Aug. 31, 1957).
- International Bank for Reconstruction and Development (E.O. 9751, July 11, 1946).
- International Centre for Settlement of Investment Disputes (E.O. 11966, Jan. 19, 1977).
- International Civil Aviation Organization (E.O. 9863, May 31, 1947).
- International Coffee Organization (E.O. 11225, May 22, 1965).
- International Cotton Advisory Committee (E.O. 9911, Dec. 19, 1947).
- International Development Association (E.O. 11966, Jan. 19, 1977).
- International Fertilizer Development Center (E.O. 11977, Mar. 14, 1977).
- International Finance Corporation (E.O. 10680, Oct. 2, 1956).
- International Food Policy Research Institute (E.O. 12359, Apr. 22, 1982).
- International Hydrographic Bureau (E.O. 10769, May 29, 1958).
- International Institute for Cotton (E.O. 11283, May 27, 1966).
- International Joint Commission—United States and Canada (E.O. 9972, June 25, 1948).
- International Labor Organization, The (functions through staff known as The International Labor Office) (E.O. 9698, Feb. 19, 1946).
- International Maritime Satellite Organization (E.O. 12238, Sept. 12, 1980).
- International Monetary Fund (E.O. 9751, July 11, 1946).
- International Pacific Halibut Commission (E.O. 11059, Oct. 23, 1962).
- International Secretariat for Volunteer Service (E.O. 11363, July 20, 1967).
- International Telecommunication Union (E.O. 9863, May 31, 1947).
- International Telecommunications Satellite Organization (INTELSAT) (E.O. 11718, May 14, 1973).
- International Wheat Advisory Committee (E.O. 9823, Jan. 24, 1947).
- Multinational Force and Observers (E.O. 12359, Apr. 22, 1982).
- Organization for European Economic Cooperation (E.O. 10133, June 27, 1950) (Now known as Organization for Economic Cooperation and Development; 28 FR 2959, Mar. 26, 1963).
- Organization of African Unity (OAU) (E.O. 11767, Feb. 19, 1974).
- Organization of American States (includes Pan American Union) (E.O. 10533, June 3, 1954).
- Pan American Health Organization (includes Pan American Sanitary Bureau) (E.O. 10864, Feb. 18, 1960).
- Preparatory Commission of the International Atomic Energy Agency (E.O. 10727, Aug. 31, 1957).
- Preparatory Commission for the International Refugee Organization and its successor, the International Refugee Organization (E.O. 9887, Aug. 22, 1947).
- South Pacific Commission (E.O. 10086, Nov. 25, 1949).
- United International Bureau for the Protection of Intellectual Property (BIRPI) (E.O. 11484, Sept. 29, 1969).
- United Nations, The (E.O. 9698, Feb. 19, 1946).
- United Nations Educational, Scientific, and Cultural Organizations (E.O. 9863, May 31, 1947).
- Universal Postal Union (E.O. 10727, Aug. 31, 1957).
- World Health Organization (E.O. 10025, Dec. 30, 1948).
- World Intellectual Property Organization (E.O. 11866, June 18, 1975).
- World Meteorological Organization (E.O. 10676, Sept. 1, 1956).

[32 FR 9634, July 4, 1967]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 316.20, see the List of CFR Sections Affected, which appears in the

Finding Aids section of the printed volume and on GPO Access.

### PART 318—PENDING REMOVAL PROCEEDINGS

AUTHORITY: 8 U.S.C. 1103, 1252, 1429, 1443; 8 CFR part 2.

SOURCE: 62 FR 10394, Mar. 6, 1997, unless otherwise noted.

#### § 318.1 Warrant of arrest.

For the purposes of section 318 of the Act, a notice to appear issued under 8 CFR part 239 (including a charging document issued to commence proceedings under sections 236 or 242 of the Act prior to April 1, 1997) shall be regarded as a warrant of arrest.

### PART 319—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: SPOUSES OF UNITED STATES CITIZENS

Sec.

319.1 Person living in marital union with United States citizen spouse.

319.2 Person whose United States citizen spouse is employed abroad.

319.3 Surviving spouses of United States citizens who died during a period of honorable service in an active duty status in the Armed Forces of the United States.

319.4 Persons continuously employed for 5 years by United States organizations engaged in disseminating information.

319.5 Public international organizations in which the U.S. participates by treaty or statute.

319.6 United States nonprofit organizations engaged abroad in disseminating information which significantly promotes U.S. interests.

319.7–319.10 [Reserved]

319.11 Filing of application.

AUTHORITY: 8 U.S.C. 1103, 1430, 1443.

#### § 319.1 Persons living in marital union with United States citizen spouse.

(a) *Eligibility.* To be eligible for naturalization under section 319(a) of the Act, the spouse of a United States citizen must establish that he or she:

(1) Has been lawfully admitted for permanent residence to the United States;

(2) Has resided continuously within the United States, as defined under § 316.5 of this chapter, for a period of at

least three years after having been lawfully admitted for permanent residence;

(3) Has been living in marital union with the citizen spouse for the three years preceding the date of examination on the application, and the spouse has been a United States citizen for the duration of that three year period;

(4) Has been physically present in the United States for periods totaling at least 18 months;

(5) Has resided, as defined in § 316.5 of this chapter, for at least 3 months immediately preceding the filing of the application, or immediately preceding the examination on the application if the application was filed early pursuant to section 334(a) of the Act and the three month period falls within the required period of residence under section 316(a) or 319(a) of the Act, in the State or Service district having jurisdiction over the alien's actual place of residence and in which the alien has filed the application;

(6) Has resided continuously within the United States from the date of application for naturalization until the time of admission to citizenship;

(7) For all relevant periods under this paragraph, has been and continues to be a person 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

(8) Has complied with all other requirements for naturalization as provided in part 316 of this chapter, except for those contained in § 316.2 (a)(3) through (a)(5) of this chapter.

(b) *Marital union*—(1) *General.* An applicant lives in marital union with a citizen spouse if the applicant actually resides with his or her current spouse. The burden is on the applicant to establish, in each individual case, that a particular marital union satisfies the requirements of this part.

(2) *Loss of Marital Union*—(i) *Divorce, death or expatriation.* A person is ineligible for naturalization as the spouse of a United States citizen under section 319(a) of the Act if, before or after the filing of the application, the marital union ceases to exist due to death or divorce, or the citizen spouse has expatriated. Eligibility is not restored to an