

Department of Homeland Security

Pt. 316

after applying for and receiving an exemption from military service on the basis of alienage, does not satisfy this exception to paragraph (a) of this section;

(6) Prior to requesting the exemption from military service:

(i) The applicant was a treaty national who had served in the armed forces of the country of which he or she was a national; however, a treaty national who did not serve in the armed forces of the country of nationality prior to requesting the exemption from military service does not satisfy this exception to paragraph (a) of this section;

(ii) The applicant served a minimum of eighteen months in the armed forces of a nation that was a member of the North Atlantic Treaty Organization at the time of the applicant's service; or

(iii) The applicant served a minimum of twelve months in the armed forces of a nation that was a member of the North Atlantic Treaty Organization at the time of the applicant's service, provided that the applicant applied for registration with the Selective Service Administration after September 28, 1971; or

(7) The applicant is applying for naturalization pursuant to section 329 of the Act.

§ 315.3 Evidence.

(a) The records of the Selective Service System and the military department under which the alien served shall be conclusive evidence of whether the alien was relieved or discharged from liability for military service because he or she was an alien.

(b) The regulations of the Selective Service Administration and its predecessors will be controlling with respect to the requirement to register for, and liability for, service in the Armed Forces of the United States.

§ 315.4 Exemption treaties.

(a) The following countries currently have effective treaties providing reciprocal exemption of aliens from military service:

Argentina (Art. X, 10 Stat. 1005, 1009, effective 1853)
Austria (Art. VI, 47 Stat. 1876, 1880, effective 1928)

China (Art. XIV, 63 Stat. 1299, 1311, effective 1946)

Costa Rica (Art. IX, 10 Stat. 916, 921, effective 1851)

Estonia (Art. VI, 44 Stat. 2379, 2381, effective 1925)

Honduras (Art. VI, 45 Stat. 2618, 2622, effective 1927)

Ireland (Art. III, 1 US 785, 789, effective 1950)

Italy (Art. XIII, 63 Stat. 2255, 2272, effective 1948)

Latvia (Art. VI, 45 Stat. 2641, 2643, effective 1928)

Liberia (Art. VI, 54 Stat. 1739, 1742, effective 1938)

Norway (Art. VI, 47 Stat. 2135, 2139, effective 1928)

Paraguay (Art. XI, 12 Stat. 1091, 1096, effective 1859)

Spain (Art. V, 33 Stat. 2105, 2108, effective 1902)

Switzerland (Art. II, 11 Stat. 587, 589, effective 1850)

Yugoslavia (Serbia) (Art. IV, 22 Stat. 963, 964, effective 1881)

(b) The following countries previously had treaties providing for reciprocal exemption of aliens from military service:

El Salvador (Art. VI, 46 Stat. 2817, 2821, effective 1926 to February 8, 1958)

Germany (Art. VI, 44 Stat. 2132, 2136, effective 1923 to June 2, 1954)

Hungary (Art. VI, 44 Stat. 2441, 2445, effective 1925 to July 5, 1952)

Thailand (Siam) (Art. 1, 53 Stat. 1731, 1732, effective 1937 to June 8, 1968)

PART 316—GENERAL REQUIREMENTS FOR NATURALIZATION

Sec.

316.1 Definitions.

316.2 Eligibility.

316.3 [Reserved]

316.4 Application; documents.

316.5 Residence in the United States.

316.6 Physical presence for certain spouses of military personnel.

316.7–316.9 [Reserved]

316.10 Good moral character.

316.11 Attachment to the Constitution; favorable disposition towards the good order and happiness.

316.12 Applicant's legal incompetency during statutory period.

316.13 [Reserved]

316.14 Adjudication—examination, grant, denial.

316.15–316.19 [Reserved]

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

§ 316.1

AUTHORITY: 8 U.S.C. 1103, 1181, 1182, 1443, 1447; 8 CFR part 2.

SOURCE: 56 FR 50484, Oct. 7, 1991, unless otherwise noted.

§ 316.1 Definitions.

As used in this part, the term:

Application means any form, as defined in 8 CFR part 1, on which an applicant requests a benefit relating to naturalization.

Residence in the Service district where the application is filed means residence in the geographical area over which a particular local field office of USCIS ordinarily has jurisdiction for purposes of naturalization, regardless of where or how USCIS may require such benefit request to be submitted, or whether jurisdiction for the purpose of adjudication is relocated or internally reassigned to another USCIS office.

Service district means the geographical area over which a particular local field office of USCIS ordinarily has jurisdiction for purposes of naturalization.

[76 FR 53798, Aug. 29, 2011]

§ 316.2 Eligibility.

(a) *General.* Except as otherwise provided in this chapter, to be eligible for naturalization, an alien must establish that he or she:

(1) Is at least 18 years of age;

(2) Has been lawfully admitted as a permanent resident of the United States;

(3) Has resided continuously within the United States, as defined under § 316.5, for a period of at least five years after having been lawfully admitted for permanent residence;

(4) Has been physically present in the United States for at least 30 months of the five years preceding the date of filing the application;

(5) Immediately preceding the filing of an 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, has resided, as defined under § 316.5, for at least three months in a State or Service district having jurisdiction over the applicant's actual place of residence;

8 CFR Ch. I (1–1–25 Edition)

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

(7) For all relevant time 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) Is not a person described in Section 314 of the Act relating to deserters of the United States Armed Forces or those persons who departed from the United States to evade military service in the United States Armed Forces.

(b) *Burden of proof.* The applicant shall bear the burden of establishing by a preponderance of the evidence that he or she meets all of the requirements for naturalization, including that the applicant was lawfully admitted as a permanent resident to the United States, in accordance with the immigration laws in effect at the time of the applicant's initial entry or any subsequent reentry.

[56 FR 50484, Oct. 7, 1991, as amended at 58 FR 49912, Sept. 24, 1993; 60 FR 6651, Feb. 3, 1995; 76 FR 53798, Aug. 29, 2011]

§ 316.3 [Reserved]

§ 316.4 Application; documents.

(a) The applicant will apply for naturalization in accordance with instructions provided on the form prescribed by USCIS for that purpose.

(b) At the time of the examination on the application for naturalization, the applicant may be required to establish the status of lawful permanent resident by submitting the original evidence, issued by the Service, of lawful permanent residence in the United States. The applicant may be also required to submit any passports, or any other documents that have been used to enter the United States at any time after the original admission for permanent residence.

[56 FR 50484, Oct. 7, 1991, as amended at 58 FR 48780, Sept. 20, 1993; 63 FR 12987, Mar. 17, 1998; 63 FR 70316, Dec. 21, 1998; 76 FR 53798, Aug. 29, 2011]

§ 316.5 Residence in the United States.

(a) *General.* Unless otherwise specified, for purposes of this chapter, including § 316.2 (a)(3), (a)(5), and (a)(6), an alien's residence is the same as that alien's domicile, or principal actual dwelling place, without regard to the alien's intent, and the duration of an alien's residence in a particular location is measured from the moment the alien first establishes residence in that location.

(b) *Residences in specific cases—(1) Military personnel.* For applicants who are serving in the Armed Forces of the United States but who do not qualify for naturalization under part 328 of this chapter, the applicant's residence shall be:

(i) The State or Service District where the applicant is physically present for at least three months, immediately preceding the filing of an application for naturalization, 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;

(ii) The location of the residence of the applicant's spouse and/or minor child(ren); or

(iii) The applicant's home of record as declared to the Armed Forces at the time of enlistment and as currently reflected in the applicant's military personnel file.

(2) *Students.* An applicant who is attending an educational institution in a State or Service District other than the applicant's home residence may apply for naturalization:

(i) Where that institution is located; or

(ii) In the State of the applicant's home residence if the applicant can establish that he or she is financially dependent upon his or her parents at the time that the application is filed and during the naturalization process.

(3) *Commuter aliens.* An applicant who is a commuter alien, as described in § 211.5 of this chapter, must establish a principal dwelling place in the United States with the intention of permanently residing there, and must thereafter acquire the requisite period of

residence before eligibility for naturalization may be established. Accordingly, a commuter resident alien may not apply for naturalization until he or she has actually taken up permanent residence in the United States and until such residence has continued for the required statutory period. Such an applicant bears the burden of providing evidence to that effect.

(4) *Residence in multiple states.* If an applicant claims residence in more than one State, the residence for purposes of this part shall be determined by reference to the location from which the annual federal income tax returns have been and are being filed.

(5) *Residence during absences of less than one year.* (i) An applicant's residence during any absence of less than one year shall continue to be the State or Service district where the applicant last resided at the time of the applicant's departure abroad.

(ii) *Return to the United States.* If, upon returning to the United States, an applicant returns to the State or Service district where the applicant last resided, the applicant will have complied with the continuous residence requirement specified in § 316.2(a)(5) when at least three months have elapsed, including any part of the applicant's absence, from the date on which the applicant first established that residence. If the applicant establishes residence in a State or Service district other than the one in which he or she last resided, the applicant must complete three months at that new residence to be eligible for naturalization.

(6) *Spouse of military personnel.* Pursuant to section 319(e) of the Act, any period of time the spouse of a United States citizen resides abroad will be treated as residence in any State or district of the United States for purposes of naturalization under section 316(a) or 319(a) of the Act if, during the period of time abroad, the applicant establishes that he or she was:

(i) The spouse of a member of the Armed Forces;

(ii) Authorized to accompany and reside abroad with that member of the Armed Forces pursuant to the member's official orders; and

(iii) Accompanying and residing abroad with that member of the Armed

§316.5

Forces in marital union in accordance with 8 CFR 319.1(b).

(c) *Disruption of continuity of residence*—(1) *Absence from the United States*—(i) *For continuous periods of between six (6) months and one (1) year.* Absences from the United States for continuous periods of between six (6) months and one (1) year during the periods for which continuous residence is required under §316.2 (a)(3) and (a)(6) shall disrupt the continuity of such residence for purposes of this part unless the applicant can establish otherwise to the satisfaction of the Service. This finding remains valid even if the applicant did not apply for or otherwise request a nonresident classification for tax purposes, did not document an abandonment of lawful permanent resident status, and is still considered a lawful permanent resident under immigration laws. The types of documentation which may establish that the applicant did not disrupt the continuity of his or her residence in the United States during an extended absence include, but are not limited to, evidence that during the absence:

(A) The applicant did not terminate his or her employment in the United States;

(B) The applicant's immediate family remained in the United States;

(C) The applicant retained full access to his or her United States abode; or

(D) The applicant did not obtain employment while abroad.

(ii) *For period in excess of one (1) year.* Unless an applicant applies for benefits in accordance with §316.5(d), absences from the United States for a continuous period of one (1) year or more during the period for which continuous residence is required under §316.2 (a)(3) and (a)(5) shall disrupt the continuity of the applicant's residence. An applicant described in this paragraph who must satisfy a five-year statutory residence period may file an application for naturalization four years and one day following the date of the applicant's return to the United States to resume permanent residence. An applicant described in this paragraph who must satisfy a three-year statutory residence period may file an application for naturalization two years and one day following the date of the appli-

8 CFR Ch. I (1–1–25 Edition)

cant's return to the United States to resume permanent residence.

(2) *Claim of nonresident alien status for income tax purposes after lawful admission as a permanent resident.* An applicant who is a lawfully admitted permanent resident of the United States, but who voluntarily claims nonresident alien status to qualify for special exemptions from income tax liability, or fails to file either federal or state income tax returns because he or she considers himself or herself to be a nonresident alien, raises a rebuttable presumption that the applicant has relinquished the privileges of permanent resident status in the United States.

(3) *Removal and return.* Any departure from the United States while under an order of removal (including previously issued orders of exclusion or deportation) terminates the applicant's status as a lawful permanent resident and, therefore, disrupts the continuity of residence for purposes of this part.

(4) *Readmission after a deferred inspection or exclusion proceeding.* An applicant who has been readmitted as a lawful permanent resident after a deferred inspection or by the immigration judge during exclusion proceedings shall satisfy the residence and physical presence requirements under §316.2 (a)(3), (a)(4), (a)(5), and (a)(6) in the same manner as any other applicant for naturalization.

(d) *Application for benefits with respect to absences; appeal*—(1) *Preservation of residence under section 316(b) of the Act.*

(i) An application for the residence benefits under section 316(b) of the Act to cover an absence from the United States for a continuous period of one year or more shall be submitted to the Service on Form N-470 with the required fee, in accordance with the form's instructions. The application may be filed either before or after the applicant's employment commences, but must be filed before the applicant has been absent from the United States for a continuous period of one year.

(ii) An approval of Form N-470 under section 316(b) of the Act shall cover the spouse and dependent unmarried sons and daughters of the applicant who are residing abroad as members of the applicant's household during the period covered by the application. The notice

Department of Homeland Security

§ 316.10

of approval, Form N-472, shall identify the family members so covered.

(iii) An applicant whose Form N-470 application under section 316(b) of the Act has been approved, but who voluntarily claims nonresident alien status to qualify for special exemptions from income tax liability, raises a rebuttable presumption that the applicant has relinquished a claim of having retained lawful permanent resident status while abroad. The applicant's family members who were covered under section 316(b) of the Act and who were listed on the applicant's Form N-472 will also be subject to the rebuttable presumption that they have relinquished their claims to lawful permanent resident status.

(2) *Preservation of residence under section 317 of the Act.* An application for the residence and physical presence benefits of section 317 of the Act to cover any absences from the United States, whether before or after December 24, 1952, shall be submitted to the Service on Form N-470 with the required fee, in accordance with the form's instructions. The application may be filed either before or after the applicant's absence from the United States or the performance of the functions or services described in section 317 of the Act.

(3) *Approval, denial, and appeal.* The applicant under paragraphs (d)(1) or (d)(2) of this section shall be notified of the Service's disposition of the application on Form N-472. If the application is denied, the Service shall specify the reasons for the denial, and shall inform the applicant of the right to appeal in accordance with the provisions of part 103 of this chapter.

[56 FR 50484, Oct. 7, 1991, as amended at 56 FR 50487, Oct. 7, 1991; 58 FR 49913, Sept. 24, 1993; 60 FR 6651, Feb. 3, 1995; 62 FR 10394, Mar. 6, 1997; 76 FR 53798, Aug. 29, 2011]

§ 316.6 Physical presence for certain spouses of military personnel.

Pursuant to section 319(e) of the Act, any period of time the spouse of a United States citizen resides abroad will be treated as physical presence in any State or district of the United States for purposes of naturalization under section 316(a) or 319(a) of the Act if, during the period of time abroad,

the applicant establishes that he or she was:

(a) The spouse of a member of the Armed Forces;

(b) Authorized to accompany and reside abroad with that member of the Armed Forces pursuant to the member's official orders; and

(c) Accompanying and residing abroad with that member of the Armed Forces in marital union in accordance with 8 CFR 319.1(b).

[76 FR 53798, Aug. 29, 2011]

§§ 316.7–316.9 [Reserved]

§ 316.10 Good moral character.

(a) *Requirement of good moral character during the statutory period.* (1) An applicant for naturalization bears the burden of demonstrating that, during the statutorily prescribed period, he or she has been and continues to be a person of good moral character. This includes the period between the examination and the administration of the oath of allegiance.

(2) In accordance with section 101(f) of the Act, the Service shall evaluate claims of good moral character on a case-by-case basis taking into account the elements enumerated in this section and the standards of the average citizen in the community of residence. The Service is not limited to reviewing the applicant's conduct during the five years immediately preceding the filing of the application, but may take into consideration, as a basis for its determination, the applicant's conduct and acts at any time prior to that period, if the conduct of the applicant during the statutory period does not reflect that there has been reform of character from an earlier period or if the earlier conduct and acts appear relevant to a determination of the applicant's present moral character.

(b) *Finding of a lack of good moral character.* (1) An applicant shall be found to lack good moral character, if the applicant has been:

(i) Convicted of murder at any time; or

(ii) Convicted of an aggravated felony as defined in section 101(a)(43) of the Act on or after November 29, 1990.

§ 316.10

8 CFR Ch. I (1–1–25 Edition)

(2) An applicant shall be found to lack good moral character if during the statutory period the applicant:

(i) Committed one or more crimes involving moral turpitude, other than a purely political offense, for which the applicant was convicted, except as specified in section 212(a)(2)(ii)(II) of the Act;

(ii) Committed two or more offenses for which the applicant was convicted and the aggregate sentence actually imposed was five years or more, provided that, if the offense was committed outside the United States, it was not a purely political offense;

(iii) Violated any law of the United States, any State, or any foreign country relating to a controlled substance, provided that the violation was not a single offense for simple possession of 30 grams or less of marijuana;

(iv) Admits committing any criminal act covered by paragraphs (b)(2) (i), (ii), or (iii) of this section for which there was never a formal charge, indictment, arrest, or conviction, whether committed in the United States or any other country;

(v) Is or was confined to a penal institution for an aggregate of 180 days pursuant to a conviction or convictions (provided that such confinement was not outside the United States due to a conviction outside the United States for a purely political offense);

(vi) Has given false testimony to obtain any benefit from the Act, if the testimony was made under oath or affirmation and with an intent to obtain an immigration benefit; this prohibition applies regardless of whether the information provided in the false testimony was material, in the sense that if given truthfully it would have rendered ineligible for benefits either the applicant or the person on whose behalf the applicant sought the benefit;

(vii) Is or was involved in prostitution or commercialized vice as described in section 212(a)(2)(D) of the Act;

(viii) Is or was involved in the smuggling of a person or persons into the United States as described in section 212(a)(6)(E) of the Act;

(ix) Has practiced or is practicing polygamy;

(x) Committed two or more gambling offenses for which the applicant was convicted;

(xi) Earns his or her income principally from illegal gambling activities; or

(xii) Is or was a habitual drunkard.

(3) Unless the applicant establishes extenuating circumstances, the applicant shall be found to lack good moral character if, during the statutory period, the applicant:

(i) Willfully failed or refused to support dependents;

(ii) Had an extramarital affair which tended to destroy an existing marriage; or

(iii) Committed unlawful acts that adversely reflect upon the applicant's moral character, or was convicted or imprisoned for such acts, although the acts do not fall within the purview of § 316.10(b) (1) or (2).

(c) *Proof of good moral character in certain cases*—(1) *Effect of probation or parole*. An applicant who has been on probation, parole, or suspended sentence during all or part of the statutory period is not thereby precluded from establishing good moral character, but such probation, parole, or suspended sentence may be considered by the Service in determining good moral character. An application will not be approved until after the probation, parole, or suspended sentence has been completed.

(2) *Full and unconditional executive pardon*—(i) *Before the statutory period*. An applicant who has received a full and unconditional executive pardon prior to the beginning of the statutory period is not precluded by § 316.10(b)(1) from establishing good moral character provided the applicant demonstrates that reformation and rehabilitation occurred prior to the beginning of the statutory period.

(ii) *During the statutory period*. An applicant who receives a full and unconditional executive pardon during the statutory period is not precluded by § 316.10(b)(2) (i) and (ii) from establishing good moral character, provided the applicant can demonstrate that extenuating and/or exonerating circumstances exist that would establish his or her good moral character.

Department of Homeland Security

§ 316.14

(3) *Record expungement*—(i) *Drug offenses*. Where an applicant has had his or her record expunged relating to one of the narcotics offenses under section 212(a)(2)(A)(i)(II) and section 241(a)(2)(B) of the Act, that applicant shall be considered as having been “convicted” within the meaning of § 316.10(b)(2)(ii), or, if confined, as having been confined as a result of “conviction” for purposes of § 316.10(b)(2)(iv).

(ii) *Moral turpitude*. An applicant who has committed or admits the commission of two or more crimes involving moral turpitude during the statutory period is precluded from establishing good moral character, even though the conviction record of one such offense has been expunged.

[56 FR 50484, Oct. 7, 1991, as amended at 58 FR 49913, Sept. 24, 1993]

§ 316.11 Attachment to the Constitution; favorable disposition towards the good order and happiness.

(a) *General*. An applicant for naturalization must establish that during the statutorily prescribed period, he or she has been and continues to be attached to the principles of the Constitution of the United States and favorably disposed toward the good order and happiness of the United States. Attachment implies a depth of conviction which would lead to active support of the Constitution. Attachment and favorable disposition relate to mental attitude, and contemplate the exclusion from citizenship of applicants who are hostile to the basic form of government of the United States, or who disbelieve in the principles of the Constitution.

(b) *Advocacy of peaceful change*. At a minimum, the applicant shall satisfy the general standard of paragraph (a) of this section by demonstrating an acceptance of the democratic, representational process established by the Constitution, a willingness to obey the laws which may result from that process, and an understanding of the means for change which are prescribed by the Constitution. The right to work for political change shall be consistent with the standards in paragraph (a) of this section only if the changes advocated would not abrogate the current Gov-

ernment and establish an entirely different form of government.

(c) *Membership in the Communist Party or any other totalitarian organization*. An applicant who is or has been a member of or affiliated with the Communist Party or any other totalitarian organization shall be ineligible for naturalization, unless the applicant's membership meets the exceptions in sections 313 and 335 of the Act and § 313.4 of this chapter.

§ 316.12 Applicant's legal incompetency during statutory period.

(a) *General*. An applicant who is legally competent at the time of the examination on the naturalization application and of the administration of the oath of allegiance may be admitted to citizenship, provided that the applicant fully understands the purpose and responsibilities of the naturalization procedures.

(b) *Legal incompetence*. Naturalization is not precluded if, during part of the statutory period, the applicant was legally incompetent or confined to a mental institution.

(1) There is a presumption that the applicant's good moral character, attachment, and favorable disposition which existed prior to the period of legal incompetency continued through that period. The Service may, however, consider an applicant's actions during a period of legal incompetence, as evidence tending to rebut this presumption.

(2) If the applicant has been declared legally incompetent, the applicant has the burden of establishing that legal competency has been restored. The applicant shall submit legal and medical evidence to determine and establish the claim of legal competency.

(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.
 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.

Department of Homeland Security

§ 316.20

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 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 at www.govinfo.gov.

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