

whether the application should be granted or denied, with reasons therefor.

(e) Withdrawal of application

After an application for naturalization has been filed with the Attorney General, the applicant shall not be permitted to withdraw his application, except with the consent of the Attorney General. In cases where the Attorney General does not consent to the withdrawal of the application, the application shall be determined on its merits and a final order determination made accordingly. In cases where the applicant fails to prosecute his application, the application shall be decided on the merits unless the Attorney General dismisses it for lack of prosecution.

(f) Transfer of application

An applicant for naturalization who moves from the district of the Service in the United States in which the application is pending may, at any time thereafter, request the Service to transfer the application to any district of the Service in the United States which may act on the application. The transfer shall not be made without the consent of the Attorney General. In the case of such a transfer, the proceedings on the application shall continue as though the application had originally been filed in the district of the Service to which the application is transferred.

(June 27, 1952, ch. 477, title III, ch. 2, § 335, 66 Stat. 255; Pub. L. 97-116, § 15(c), Dec. 29, 1981, 95 Stat. 1619; Pub. L. 100-525, § 9(aa), (bb), Oct. 24, 1988, 102 Stat. 2621; Pub. L. 101-649, title IV, §§ 401(c), 407(c)(16), (d)(13), Nov. 29, 1990, 104 Stat. 5038, 5041, 5043; Pub. L. 102-232, title III, § 305(f), Dec. 12, 1991, 105 Stat. 1750.)

Editorial Notes

AMENDMENTS

1991—Subsec. (b). Pub. L. 102-232 substituted “district court” for “District Court”.

1990—Pub. L. 101-649, § 407(d)(13)(A), substituted “Investigation of applicants; examination of applications” for “Investigation of petitioners” in section catchline.

Subsec. (a). Pub. L. 101-649, § 407(c)(16), (d)(13)(B), substituted “Before a person may be naturalized” for “At any time prior to the holding of the final hearing on a petition for naturalization provided for by section 1447(a) of this title”, “applying” for “petitioning”, and “application” for “petition”.

Subsec. (b). Pub. L. 101-649, § 407(c)(16), (d)(13)(C), substituted “applications” for “petitions” and “applicant” for “petitioner” wherever appearing, struck out “preliminary” before “examinations” and before “examination”, struck out “to any naturalization court and to make recommendations thereon to such court” before period at end of first sentence, substituted “any District Court of the United States” for “any court exercising naturalization jurisdiction as specified in section 1421 of this title”, and substituted “hearing conducted by an immigration officer under section 1447(a) of this title” for “final hearing conducted by a naturalization court designated in section 1421 of this title”.

Pub. L. 101-649, § 401(c), inserted at end “Any such employee shall, at the examination, inform the petitioner of the remedies available to the petitioner under section 1447 of this title.”

Subsec. (c). Pub. L. 101-649, § 407(c)(16), (d)(13)(D), struck out “preliminary” before “examination” wherever appearing, and substituted “determination” for “recommendation” and “application” for “petition”.

Subsecs. (d) to (f). Pub. L. 101-649, § 407(d)(13)(E), amended subsecs. (d) to (f) generally, substituting provisions relating to determinations, withdrawal of application, and transfer of application, for provisions relating to recommendations, withdrawal of petition, and transfer of petition, respectively.

1988—Subsec. (d). Pub. L. 100-525, § 9(aa), substituted “approves” for “approve” in fourth sentence.

Subsec. (f)(2). Pub. L. 100-525, § 9(bb), struck out before period at end “, except that the court to which the petition is transferred may in its discretion, require the production of two credible United States citizen witnesses to testify as to the petitioner’s qualifications for naturalization since the date of such transfer”.

1981—Subsec. (b). Pub. L. 97-116, § 15(c)(1), struck out “and the oaths of petitioner’s witnesses to the petition for naturalization” after “oath of the petitioner for naturalization”.

Subsec. (f). Pub. L. 97-116, § 15(c)(2), (3), redesignated subsec. (i) as (f) and struck out former subsec. (f) which required affidavits of at least two credible witnesses, citizens of the United States, concerning the residency and the good moral character, etc., of the petitioner.

Subsec. (g). Pub. L. 97-116, § 15(c)(2), struck out subsec. (g) which related to proof of residence at the hearing on the petition.

Subsec. (h). Pub. L. 97-116, § 15(c)(2), struck out subsec. (h) which related to satisfactory evidence as to good moral character, etc., at the hearing on the petition.

Subsec. (i). Pub. L. 97-116, § 15(c)(3), redesignated subsec. (i) as (f).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-232 effective as if included in the enactment of the Immigration Act of 1990, Pub. L. 101-649, see section 310(1) of Pub. L. 102-232, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-116 effective Dec. 29, 1981, see section 21(a) of Pub. L. 97-116, set out as a note under section 1101 of this title.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

CRIMINAL BACKGROUND CHECKS

Pub. L. 105-119, title I, Nov. 26, 1997, 111 Stat. 2448, provided in part: “That during fiscal year 1998 and each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service shall be used to complete adjudication of an application for naturalization unless the Immigration and Naturalization Service has received confirmation from the Federal Bureau of Investigation that a full criminal background check has been completed, except for those exempted by regulation as of January 1, 1997”.

§ 1447. Hearings on denials of applications for naturalization

(a) Request for hearing before immigration officer

If, after an examination under section 1446 of this title, an application for naturalization is denied, the applicant may request a hearing before an immigration officer.

(b) Request for hearing before district court

If there is a failure to make a determination under section 1446 of this title before the end of

the 120-day period after the date on which the examination is conducted under such section, the applicant may apply to the United States district court for the district in which the applicant resides for a hearing on the matter. Such court has jurisdiction over the matter and may either determine the matter or remand the matter, with appropriate instructions, to the Service to determine the matter.

(c) Appearance of Attorney General

The Attorney General shall have the right to appear before any immigration officer in any naturalization proceedings for the purpose of cross-examining the applicant and the witnesses produced in support of the application concerning any matter touching or in any way affecting the applicant's right to admission to citizenship, and shall have the right to call witnesses, including the applicant, produce evidence, and be heard in opposition to, or in favor of the granting of any application in naturalization proceedings.

(d) Subpena of witnesses

The immigration officer shall, if the applicant requests it at the time of filing the request for the hearing, issue a subpena for the witnesses named by such applicant to appear upon the day set for the hearing, but in case such witnesses cannot be produced upon the hearing other witnesses may be summoned upon notice to the Attorney General, in such manner and at such time as the Attorney General may by regulation prescribe. Such subpoenas may be enforced in the same manner as subpoenas under section 1446(b) of this title may be enforced.

(e) Change of name

It shall be lawful at the time and as a part of the administration by a court of the oath of allegiance under section 1448(a) of this title for the court, in its discretion, upon the bona fide prayer of the applicant included in an appropriate petition to the court, to make a decree changing the name of said person, and the certificate of naturalization shall be issued in accordance therewith.

(June 27, 1952, ch. 477, title III, ch. 2, § 336, 66 Stat. 257; Pub. L. 91-136, Dec. 5, 1969, 83 Stat. 283; Pub. L. 97-116, § 15(d), Dec. 29, 1981, 95 Stat. 1619; Pub. L. 100-525, § 9(cc), Oct. 24, 1988, 102 Stat. 2621; Pub. L. 101-649, title IV, § 407(c)(17), (d)(14), Nov. 29, 1990, 104 Stat. 5041, 5044; Pub. L. 102-232, title III, § 305(g), (h), Dec. 12, 1991, 105 Stat. 1750.)

Editorial Notes

AMENDMENTS

1991—Subsecs. (d), (e). Pub. L. 102-232, § 305(g), (h), amended Pub. L. 101-649, § 407(d)(14)(D)(i), (E)(ii), respectively. See 1990 Amendment note below.

1990—Pub. L. 101-649, § 407(d)(14)(A), amended section catchline generally.

Subsecs. (a), (b). Pub. L. 101-649, § 407(d)(14)(B), amended subsecs. (a) and (b) generally, substituting provisions relating to requests for hearing upon denial of application and failure to make determination, for provisions relating to holding of hearing in open court and exceptions to same, respectively.

Subsec. (c). Pub. L. 101-649, § 407(c)(17), (d)(14)(C), substituted “immigration officer” for “court” and references to applicant, applicant's, and application for

references to petitioner, petitioner's, and petition wherever appearing.

Subsec. (d). Pub. L. 101-649, § 407(d)(14)(D)(i), as amended by Pub. L. 102-232, § 305(g), substituted “immigration officer shall, if the applicant requests it at the time of filing the request for the hearing” for “clerk of court shall, if the petitioner requests it at the time for filing the petition for naturalization”.

Pub. L. 101-649, § 407(c)(17), (d)(14)(D)(ii), (iii), substituted “applicant” for “petitioner”, struck out “final” before “hearing” wherever appearing, and inserted at end “Such subpoenas may be enforced in the same manner as subpoenas under section 1446(b) of this title may be enforced.”

Subsec. (e). Pub. L. 101-649, § 407(d)(14)(E)(i), substituted “administration by a court of the oath of allegiance under section 1448(a) of this title” for “naturalization of any person.”

Pub. L. 101-649, § 407(d)(14)(E)(ii), as amended by Pub. L. 102-232, § 305(h), substituted “included in an appropriate petition to the court” for “included in the petition for naturalization of such person”.

Pub. L. 101-649, § 407(c)(17), substituted “applicant” for “petitioner”.

1988—Pub. L. 100-525 amended section catchline.

1981—Subsec. (a). Pub. L. 97-116, § 15(d)(1), struck out “and the witnesses” after “such petition the petitioner”.

Subsec. (b). Pub. L. 97-116, § 15(d)(1), struck out “and the witnesses” after “examination of the petitioner” in two places.

Subsec. (c). Pub. L. 97-116, § 15(d)(2), (3), redesignated subsec. (d) as (c) and struck out former subsec. (c) which prescribed a waiting period of thirty days after the filing of a petition for naturalization for the holding of a final hearing and permitted waiver of such period by the Attorney General if he determined that a waiver was in the public interest.

Subsec. (d). Pub. L. 97-116, § 15(3), (4), redesignated subsec. (e) as (d) and struck out provision permitting the substitution of witnesses if after the petition is filed any of the verifying witnesses appear to be not competent, provided the petitioner acted in good faith in producing such witness. Former subsec. (d) redesignated (c).

Subsec. (e). Pub. L. 97-116, § 15(d)(4), (5), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 97-116, § 15(d)(5), redesignated subsec. (f) as (e).

1969—Subsec. (c). Pub. L. 91-136 struck out requirement that Attorney General, as a prerequisite to waiver of the waiting period, make an affirmative finding that such waiver will promote the security of the United States, and further struck out the provision prohibiting the acquisition of citizenship by final oath within 60 days preceding a general election and prior to the tenth day following such election.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-232 effective as if included in the enactment of the Immigration Act of 1990, Pub. L. 101-649, see section 310(1) of Pub. L. 102-232, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-116 effective Dec. 29, 1981, see section 21(a) of Pub. L. 97-116, set out as a note under section 1101 of this title.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

§ 1448. Oath of renunciation and allegiance**(a) Public ceremony**

A person who has applied for naturalization shall, in order to be and before being admitted to citizenship, take in a public ceremony before the Attorney General or a court with jurisdiction under section 1421(b) of this title an oath (1) to support the Constitution of the United States; (2) to renounce and abjure absolutely and entirely all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which the applicant was before a subject or citizen; (3) to support and defend the Constitution and the laws of the United States against all enemies, foreign and domestic; (4) to bear true faith and allegiance to the same; and (5)(A) to bear arms on behalf of the United States when required by the law, or (B) to perform noncombatant service in the Armed Forces of the United States when required by the law, or (C) to perform work of national importance under civilian direction when required by the law. Any such person shall be required to take an oath containing the substance of clauses (1) to (5) of the preceding sentence, except that a person who shows by clear and convincing evidence to the satisfaction of the Attorney General that he is opposed to the bearing of arms in the Armed Forces of the United States by reason of religious training and belief shall be required to take an oath containing the substance of clauses (1) to (4) and clauses (5)(B) and (5)(C) of this subsection, and a person who shows by clear and convincing evidence to the satisfaction of the Attorney General that he is opposed to any type of service in the Armed Forces of the United States by reason of religious training and belief shall be required to take an oath containing the substance of said clauses (1) to (4) and clause (5)(C). The term “religious training and belief” as used in this section shall mean an individual’s belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views or a merely personal moral code. In the case of the naturalization of a child under the provisions of section 1433 of this title the Attorney General may waive the taking of the oath if in the opinion of the Attorney General the child is unable to understand its meaning. The Attorney General may waive the taking of the oath by a person if in the opinion of the Attorney General the person is unable to understand, or to communicate an understanding of, its meaning because of a physical or developmental disability or mental impairment. If the Attorney General waives the taking of the oath by a person under the preceding sentence, the person shall be considered to have met the requirements of section 1427(a)(3) of this title with respect to attachment to the principles of the Constitution and well disposition to the good order and happiness of the United States.

(b) Hereditary titles or orders of nobility

In case the person applying for naturalization has borne any hereditary title, or has been of any of the orders of nobility in any foreign state, the applicant shall in addition to com-

plying with the requirements of subsection (a) of this section, make under oath in the same public ceremony in which the oath of allegiance is administered, an express renunciation of such title or order of nobility, and such renunciation shall be recorded as a part of such proceedings.

(c) Expedited judicial oath administration ceremony

Notwithstanding section 1421(b) of this title, an individual may be granted an expedited judicial oath administration ceremony or administrative naturalization by the Attorney General upon demonstrating sufficient cause. In determining whether to grant an expedited judicial oath administration ceremony, a court shall consider special circumstances (such as serious illness of the applicant or a member of the applicant’s immediate family, permanent disability sufficiently incapacitating as to prevent the applicant’s personal appearance at the scheduled ceremony, developmental disability or advanced age, or exigent circumstances relating to travel or employment). If an expedited judicial oath administration ceremony is impracticable, the court shall refer such individual to the Attorney General who may provide for immediate administrative naturalization.

(d) Rules and regulations

The Attorney General shall prescribe rules and procedures to ensure that the ceremonies conducted by the Attorney General for the administration of oaths of allegiance under this section are public, conducted frequently and at regular intervals, and are in keeping with the dignity of the occasion.

(June 27, 1952, ch. 477, title III, ch. 2, §337, 66 Stat. 258; Pub. L. 97-116, §18(o), Dec. 29, 1981, 95 Stat. 1621; Pub. L. 101-649, title IV, §407(c)(18), (d)(15), Nov. 29, 1990, 104 Stat. 5041, 5044; Pub. L. 102-232, title I, §102(b)(2), title III, §305(i), Dec. 12, 1991, 105 Stat. 1736, 1750; Pub. L. 106-448, §1, Nov. 6, 2000, 114 Stat. 1939.)

Editorial Notes**AMENDMENTS**

2000—Subsec. (a). Pub. L. 106-448 inserted at end “The Attorney General may waive the taking of the oath by a person if in the opinion of the Attorney General the person is unable to understand, or to communicate an understanding of, its meaning because of a physical or developmental disability or mental impairment. If the Attorney General waives the taking of the oath by a person under the preceding sentence, the person shall be considered to have met the requirements of section 1427(a)(3) of this title with respect to attachment to the principles of the Constitution and well disposition to the good order and happiness of the United States.”

1991—Subsec. (c). Pub. L. 102-232, §102(b)(2), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “If the applicant is prevented by sickness or other disability from attending a public ceremony, the oath required to be taken by subsection (a) of this section may be taken at such place as the Attorney General may designate under section 1445(e) of this title.”

Pub. L. 102-232, §305(i), struck out “before” after “may be taken”.

1990—Subsec. (a). Pub. L. 101-649, §407(c)(18), (d)(15)(A), substituted “applied” for “petitioned” and “applicant” for “petitioner” in first sentence, “in a public ceremony before the Attorney General or a court