

Stat. 280, which is set out as a Savings Clause note under section 1101 of this title.

This chapter, referred to in subsec. (b), was in the original, “this Act”, meaning act June 27, 1952, ch. 477, 66 Stat. 163, known as the Immigration and Nationality Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of this title and Tables.

#### AMENDMENTS

2003—Subsec. (e)(4). Pub. L. 108-177 inserted “when Department of Defense activities are relevant to the determination” after “Secretary of Defense” and “and the Secretary of Homeland Security” after “Attorney General”.

1999—Subsec. (e). Pub. L. 106-120 added subsec. (e).

1994—Subsec. (a)(2). Pub. L. 103-416 substituted “or” for “and” before “(F)”.

1991—Subsec. (a)(2). Pub. L. 102-232 inserted “and” before “(F)” and struck out “; (G) who, regardless of whether he is within any of the other provisions of this section, is a member of or affiliated with any Communist-action organization during the time it is registered or required to be registered under the provisions of section 786 of title 50; or (H) who, regardless of whether he is within any of the other provisions of this section, is a member of or affiliated with any Communist-front organization during the time it is registered or required to be registered under section 786 of title 50” after “may hereafter adopt”.

1990—Subsec. (c). Pub. L. 101-649 substituted “application” for “petition” wherever appearing.

1988—Subsec. (a)(2)(D). Pub. L. 100-525 substituted “party of” for “party or”.

#### CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 401 of Title 50, War and National Defense.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-416, title II, §219(v), Oct. 25, 1994, 108 Stat. 4318, provided that the amendment made by that section is effective Dec. 12, 1991.

#### EFFECTIVE DATE

Section effective 180 days after June 27, 1952, see section 407 of act June 27, 1952, 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.

### § 1425. Ineligibility to naturalization of deserters from the Armed Forces

A person who, at any time during which the United States has been or shall be at war, deserted or shall desert the military, air, or naval forces of the United States, or who, having been duly enrolled, departed, or shall depart from the jurisdiction of the district in which enrolled, or who, whether or not having been duly enrolled, went or shall go beyond the limits of the United

States, with intent to avoid any draft into the military, air, or naval service, lawfully ordered, shall, upon conviction thereof by a court martial or a court of competent jurisdiction, be permanently ineligible to become a citizen of the United States; and such deserters and evaders shall be forever incapable of holding any office of trust or of profit under the United States, or of exercising any rights of citizens thereof.

(June 27, 1952, ch. 477, title III, ch. 2, §314, 66 Stat. 241.)

### § 1426. Citizenship denied alien relieved of service in Armed Forces because of alienage

#### (a) Permanent ineligibility

Notwithstanding the provisions of section 405(b)<sup>1</sup> but subject to subsection (c) of this section, any alien who applies or has applied for exemption or discharge from training or service in the Armed Forces or in the National Security Training Corps of the United States on the ground that he is an alien, and is or was relieved or discharged from such training or service on such ground, shall be permanently ineligible to become a citizen of the United States.

#### (b) Conclusiveness of records

The records of the Selective Service System or of the Department of Defense shall be conclusive as to whether an alien was relieved or discharged from such liability for training or service because he was an alien.

#### (c) Service in armed forces of foreign country

An alien shall not be ineligible for citizenship under this section or otherwise because of an exemption from training or service in the Armed Forces of the United States pursuant to the exercise of rights under a treaty, if before the time of the exercise of such rights the alien served in the Armed Forces of a foreign country of which the alien was a national.

(June 27, 1952, ch. 477, title III, ch. 2, §315, 66 Stat. 242; Pub. L. 100-525, §9(v), Oct. 24, 1988, 102 Stat. 2621; Pub. L. 101-649, title IV, §404, Nov. 29, 1990, 104 Stat. 5039.)

#### REFERENCES IN TEXT

Section 405(b), referred to in subsec. (a), is section 405(b) of act June 27, 1952, ch. 477, title IV, 66 Stat. 280, which is set out as a Savings Clause note under section 1101 of this title.

#### AMENDMENTS

1990—Subsec. (a). Pub. L. 101-649, §404(1), inserted “but subject to subsection (c) of this section” after “section 405(b)”.

Subsec. (c). Pub. L. 101-649, §404(2), added subsec. (c).  
1988—Subsec. (b). Pub. L. 100-525 substituted “Department of Defense” for “National Military Establishment”.

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-649 applicable to exemptions from training or service obtained before, on, or after Nov. 29, 1990, see section 408(e) of Pub. L. 101-649, set out as a note under section 1421 of this title.

### § 1427. Requirements of naturalization

#### (a) Residence

No person, except as otherwise provided in this subchapter, shall be naturalized unless such ap-

<sup>1</sup> See References in Text note below.