

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 complying 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.)

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 cere-

mony, 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 with jurisdiction under section 1421(b) of this title” for “in open court”, “Attorney General” for “naturalization court” wherever appearing in second and fourth sentences, and “Attorney General” for “court” before “the child” in fourth sentence.

Subsec. (b). Pub. L. 101-649, § 407(c)(18), (d)(15)(B), substituted “applying” for “petitioning”, “applicant” for “petitioner”, and “in the same public ceremony in which the oath of allegiance is administered” for “in open court in the court in which the petition for naturalization is made”, and struck out “in the court” after “shall be recorded”.

Subsec. (c). Pub. L. 101-649, § 407(c)(18), (d)(15)(C), substituted “applicant” for “petitioner”, “attending a public ceremony” for “being in open court”, and “at such place as the Attorney General may designate under section 1445(e) of this title” for “a judge of the court at such place as may be designated by the court”.

Subsec. (d). Pub. L. 101-649, § 407(d)(15)(D), added subsec. (d).

1981—Subsec. (a). Pub. L. 97-116 substituted “section 1433” for “section 1433 or 1434”.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-448, § 2, Nov. 6, 2000, 114 Stat. 1939, provided that: “The amendment made by section 1 [amending this section] shall apply to persons applying for naturalization before, on, or after the date of the enactment of this Act [Nov. 6, 2000].”

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by section 102(b)(2) of Pub. L. 102-232 effective 30 days after Dec. 12, 1991, see section 102(c) of Pub. L. 102-232, set out as a note under section 1421 of this title.

Amendment by section 305(i) of 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

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DEMONSTRATION PROJECTS TO PROVIDE FOR ADMINISTRATION OF OATH OF ALLEGIANCE

Pub. L. 104-208, div. C, title VI, § 647, Sept. 30, 1996, 110 Stat. 3009-710, provided that:

“(a) IN GENERAL.—The Attorney General shall make available funds under this section, in each of fiscal years 1997 through 2001, to the Commissioner of Immigration and Naturalization or to other public or private nonprofit entities to support demonstration projects under this section at 10 sites throughout the United States. Each such project shall be designed to provide for the administration of the oath of allegiance under section 337(a) of the Immigration and Nationality Act [8 U.S.C. 1448(a)] on a business day around Independence Day to approximately 500 people whose application for naturalization has been approved. Each project shall provide for appropriate outreach and ceremonial and celebratory activities.

“(b) SELECTION OF SITES.—The Attorney General shall, in the Attorney General’s discretion, select diverse locations for sites on the basis of the number of naturalization applicants living in proximity to each site and the degree of local community participation and support in the project to be held at the site. Not more than 2 sites may be located in the same State. The Attorney General shall consider changing the sites selected from year to year.

“(c) AMOUNTS AVAILABLE; USE OF FUNDS.—

“(1) AMOUNT.—The amount made available under this section with respect to any single site for a year shall not exceed \$5,000.

“(2) USE.—Funds made available under this section may be used only to cover expenses incurred in carrying out oath administration ceremonies at the demonstration sites under subsection (a), including expenses for—

“(A) cost of personnel of the Immigration and Naturalization Service (including travel and overtime expenses);

“(B) rental of space; and

“(C) costs of printing appropriate brochures and other information about the ceremonies.

“(3) AVAILABILITY OF FUNDS.—Funds that are otherwise available to the Immigration and Naturalization Service to carry out naturalization activities shall be available, to the extent provided in appropriation Acts, to carry out this section.

“(d) APPLICATION.—In the case of an entity other than the Immigration and Naturalization Service seeking to conduct a demonstration project under this section, no amounts may be made available to the entity under this section unless an appropriate application has been made to, and approved by, the Attorney General, in a form and manner specified by the Attorney General.”

§ 1448a. Address to newly naturalized citizens

Either at the time of the rendition of the decree of naturalization or at such other time as the judge may fix, the judge or someone designated by him shall address the newly naturalized citizen upon the form and genius of our Government and the privileges and responsibilities of citizenship; it being the intent and purpose of this section to enlist the aid of the judiciary, in cooperation with civil and educational authorities, and patriotic organizations in a continuous effort to dignify and emphasize the significance of citizenship.

(Feb. 29, 1952, ch. 49, § 2, 66 Stat. 10.)

CODIFICATION

Section was not enacted as part of the Immigration and Nationality Act which comprises this chapter.

Section was previously classified to section 154 of former Title 36, Patriotic Societies and Observances.

PRIOR PROVISIONS

Similar provisions were contained in act May 3, 1940, ch. 183, § 2, 54 Stat. 178, which was classified to section 727a of this title prior to repeal by act Feb. 29, 1952.

§ 1449. Certificate of naturalization; contents

A person admitted to citizenship in conformity with the provisions of this subchapter shall be entitled upon such admission to receive from the Attorney General a certificate of naturalization, which shall contain substantially the following information: Number of application for naturalization; number of certificate of naturalization; date of naturalization; name, signature, place of residence, autographed photograph, and personal description of the natural-