

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.

CERTIFICATES OF NON-CITIZEN NATIONAL STATUS; \$35
LIMIT ON FEES FOR PROCESSING APPLICATIONS FILED
BEFORE END OF FISCAL YEAR 1987

Pub. L. 99-396, §16(c), Aug. 27, 1986, 100 Stat. 843, provided that: "The Secretary of State may not impose a fee exceeding \$35 for the processing of an application for a certificate of non-citizen national status under section 341(b) of the Immigration and Nationality Act [8 U.S.C. 1452(b)] filed before the end of fiscal year 1987."

§ 1453. Cancellation of certificates issued by Attorney General, the Commissioner or a Deputy Commissioner; action not to affect citizenship status

The Attorney General is authorized to cancel any certificate of citizenship, certificate of naturalization, copy of a declaration of intention, or other certificate, document or record heretofore issued or made by the Commissioner or a Deputy Commissioner or hereafter made by the Attorney General if it shall appear to the Attorney General's satisfaction that such document or record was illegally or fraudulently obtained from, or was created through illegality or by fraud practiced upon, him or the Commissioner or a Deputy Commissioner; but the person for or to whom such document or record has been issued or made shall be given at such person's last-known place of address written notice of the intention to cancel such document or record with the reasons therefor and shall be given at least sixty days in which to show cause why such document or record should not be canceled. The cancellation under this section of any document purporting to show the citizenship status of the person to whom it was issued shall affect only the document and not the citizenship status of the person in whose name the document was issued.

(June 27, 1952, ch. 477, title III, ch. 2, §342, 66 Stat. 263.)

Statutory Notes and Related Subsidiaries

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.

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§ 1454. Documents and copies issued by Attorney General

(a) If any certificate of naturalization or citizenship issued to any citizen or any declaration of intention furnished to any declarant is lost, mutilated, or destroyed, the citizen or declarant may make application to the Attorney General for a new certificate or declaration. If the Attor-

ney General finds that the certificate or declaration is lost, mutilated, or destroyed, he shall issue to the applicant a new certificate or declaration. If the certificate or declaration has been mutilated, it shall be surrendered to the Attorney General before the applicant may receive such new certificate or declaration. If the certificate or declaration has been lost, the applicant or any other person who shall have, or may come into possession of it is required to surrender it to the Attorney General.

(b) The Attorney General shall issue for any naturalized citizen, on such citizen's application therefor, a special certificate of naturalization for use by such citizen only for the purpose of obtaining recognition as a citizen of the United States by a foreign state. Such certificate when issued shall be furnished to the Secretary of State for transmission to the proper authority in such foreign state.

(c) If the name of any naturalized citizen has, subsequent to naturalization, been changed by order of any court of competent jurisdiction, or by marriage, the citizen may make application for a new certificate of naturalization in the new name of such citizen. If the Attorney General finds the name of the applicant to have been changed as claimed, the Attorney General shall issue to the applicant a new certificate and shall notify the naturalization court of such action.

(d) The Attorney General is authorized to make and issue certifications of any part of the naturalization records of any court, or of any certificate of naturalization or citizenship, for use in complying with any statute, State or Federal, or in any judicial proceeding. No such certification shall be made by any clerk of court except upon order of the court.

(June 27, 1952, ch. 477, title III, ch. 2, §343, 66 Stat. 263; Pub. L. 100-525, §9(ee), Oct. 24, 1988, 102 Stat. 2621.)

Editorial Notes

AMENDMENTS

1988—Pub. L. 100-525 redesignated subsecs. (b) to (e) as (a) to (d), respectively, and struck out former subsec. (a) which read as follows: "A person who claims to have been naturalized in the United States under section 323 of the Nationality Act of 1940 may make application to the Attorney General for a certificate of naturalization. Upon proof to the satisfaction of the Attorney General that the applicant is a citizen and that he has been naturalized as claimed in the application, such individual shall be furnished a certificate of naturalization by the Attorney General, but only if the applicant is at the time within the United States."

Statutory Notes and Related Subsidiaries

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§ 1455. Fiscal provisions

(a) The Attorney General shall charge, collect, and account for fees prescribed by the Attorney General pursuant to section 9701 of title 31 for the following:

(1) Making, filing, and docketing an application for naturalization, including the hearing on such application, if such hearing be held, and a certificate of naturalization, if the issuance of such certificate is authorized by the Attorney General.

(2) Receiving and filing a declaration of intention, and issuing a duplicate thereof.

(b) Notwithstanding the provisions of this chapter or any other law, no fee shall be charged or collected for an application for declaration of intention or a certificate of naturalization in lieu of a declaration or a certificate alleged to have been lost, mutilated, or destroyed, submitted by a person who was a member of the military or naval forces of the United States at any time after April 5, 1917, and before July 5, 1902; or at any time after April 5, 1917, and before November 12, 1918; or who served on the Mexican border as a member of the Regular Army or National Guard between June 1916 and April 1917; or who has served or hereafter serves in the military, air, or naval forces of the United States after September 16, 1940, and who was not at any time during such period or thereafter separated from such forces under other than honorable conditions, who was not a conscientious objector who performed no military duty whatever or refused to wear the uniform, or who was not at any time during such period or thereafter discharged from such military, air, or naval forces on account of alienage.

(c) Except as provided by section 1356(q)(2) of this title or any other law, all fees collected by the Attorney General shall be deposited by the Attorney General in the Treasury of the United States except that all such fees collected or paid over on or after October 1, 1988, shall be deposited in the Immigration Examinations Fee Account established under section 1356(m) of this title: *Provided, however*, That all fees received by the Attorney General from applicants residing in the Virgin Islands of the United States, and in Guam, under this subchapter, shall be paid over to the treasury of the Virgin Islands and to the treasury of Guam, respectively.

(d) During the time when the United States is at war the Attorney General may not charge or collect a naturalization fee from an alien in the military, air, or naval service of the United States for filing an application for naturalization or issuing a certificate of naturalization upon admission to citizenship.

(e) In addition to the other fees required by this subchapter, the applicant for naturalization shall, upon the filing of an application for naturalization, deposit with and pay to the Attorney General a sum of money sufficient to cover the expenses of subpoenaing and paying the legal fees of any witnesses for whom such applicant may request a subpoena, and upon the final discharge of such witnesses, they shall receive, if they demand the same from the Attorney General, the customary and usual witness fees from the moneys which the applicant shall have paid to the Attorney General for such purpose, and the residue, if any, shall be returned by the Attorney General to the applicant.

(f)(1) The Attorney General shall pay over to courts administering oaths of allegiance to persons under this subchapter a specified percent-

age of all fees described in subsection (a)(1) collected by the Attorney General with respect to persons administered the oath of allegiance by the respective courts. The Attorney General, annually and in consultation with the courts, shall determine the specified percentage based on the proportion, of the total costs incurred by the Service and courts for essential services directly related to the naturalization process, which are incurred by courts.

(2) The Attorney General shall provide on an annual basis to the Committees on the Judiciary of the House of Representatives and of the Senate a detailed report on the use of the fees described in paragraph (1) and shall consult with such Committees before increasing such fees.

(June 27, 1952, ch. 477, title III, ch. 2, §344, 66 Stat. 264; Pub. L. 85-508, §26, July 7, 1958, 72 Stat. 351; Pub. L. 90-609, §3, Oct. 21, 1968, 82 Stat. 1200; Pub. L. 97-116, §16, Dec. 29, 1981, 95 Stat. 1619; Pub. L. 100-459, title II, §209(b), Oct. 1, 1988, 102 Stat. 2203; Pub. L. 100-525, §9(ff), Oct. 24, 1988, 102 Stat. 2621; Pub. L. 101-649, title IV, §407(c)(20), (d)(19), Nov. 29, 1990, 104 Stat. 5041, 5046; Pub. L. 102-232, title I, §102(b)(3), title III, §§305(l), 309(a)(1)(A)(ii), (b)(14), Dec. 12, 1991, 105 Stat. 1736, 1750, 1758, 1759; Pub. L. 107-273, div. C, title I, §11016(1), Nov. 2, 2002, 116 Stat. 1824.)

Editorial Notes

REFERENCES IN TEXT

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

2002—Subsec. (c). Pub. L. 107-273 substituted "Except as provided by section 1356(q)(2) of this title or any other law, all" for "All".

1991—Subsec. (a). Pub. L. 102-232, §305(l), made technical correction to Pub. L. 101-649, §407(d)(19)(A)(i). See 1990 Amendment note below.

Subsec. (c). Pub. L. 102-232, §309(b)(14), which provided for a clarifying amendment to subsec. (c), could not be executed, because the phrase which was to be amended did not appear after the amendment by Pub. L. 102-232, §309(a)(1)(A)(ii), see below.

Pub. L. 102-232, §309(a)(1)(A)(ii), amended Pub. L. 100-459. See 1988 Amendment note for subsec. (g) below.

Subsec. (f). Pub. L. 102-232, §102(b)(3), added subsec. (f).

1990—Subsec. (a). Pub. L. 101-649, §407(d)(19)(A)(i), as amended by Pub. L. 102-232, §305(l), substituted "The Attorney General" for "The clerk of court".

Subsec. (a)(1). Pub. L. 101-649, §407(c)(20), (d)(19)(A)(ii), (iii), substituted "an application" for "a petition" and "application" for "petition", struck out "final" before "hearing", and substituted "the Attorney General" for "the naturalization court".

Subsec. (c). Pub. L. 101-649, §407(d)(19)(B), (C), (F), redesignated subsec. (g) as (c), struck out "and all fees paid over to the Attorney General by clerks of courts under the provisions of this subchapter," before "shall be deposited by" and "or by the clerks of the courts" before "from applicants residing in", and struck out former subsec. (c) which read as follows: "The clerk of any naturalization court specified in subsection (a) of section 1421 of this title (except the courts specified in subsection (d) of this section) shall account for and pay over to the Attorney General one-half of all fees up to

the sum of \$40,000, and all fees in excess of \$40,000, collected by any such clerk in naturalization proceedings in any fiscal year.”

Subsec. (d). Pub. L. 101-649, § 407(c)(20), (d)(19)(B), (D), (F), redesignated subsec. (h) as (d), substituted “the Attorney General may not” for “no clerk of a United States court shall” and “an application” for “a petition”, struck out before period at end “, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected. A report of all transactions under this subsection shall be made to the Attorney General as in the case of other reports required of clerks of courts by this subchapter” and struck out former subsec. (d) which read as follows: “The clerk of any United States district court (except in the District Court of the Virgin Islands of the United States and in the District Court of Guam) shall account for and pay over to the Attorney General all fees collected by any such clerk in naturalization proceedings: *Provided, however*, That the clerk of the District Court of the Virgin Islands of the United States and of the District Court of Guam shall report but shall not be required to pay over to the Attorney General the fees collected by any such clerk in naturalization proceedings.”

Subsec. (e). Pub. L. 101-649, § 407(c)(20), (d)(19)(B), (E), (F), redesignated subsec. (i) as (e), substituted “an application” for “a petition” and “applicant” for “petitioner” wherever appearing, substituted references to Attorney General for references to clerk of court wherever appearing, and struck out former subsec. (e) which read as follows: “The accounting required by subsections (c) and (d) of this section shall be made and the fees paid over to the Attorney General by such respective clerks in their quarterly accounts which they are required to render to the Attorney General within thirty days from the close of each quarter of each and every fiscal year, in accordance with regulations prescribed by the Attorney General.”

Subsec. (f). Pub. L. 101-649, § 407(d)(19)(B), struck out subsec. (f) which read as follows: “The clerks of the various naturalization courts shall pay all additional clerical force that may be required in performing the duties imposed by this subchapter upon clerks of courts from fees retained under the provisions of this section by such clerks in naturalization proceedings.”

Subsecs. (g) to (i). Pub. L. 101-649, § 407(d)(19)(F), redesignated subsecs. (g) to (i) as (c) to (e), respectively.

1988—Subsec. (a). Pub. L. 100-525 substituted “section 9701 of title 31” for “title V of the Independent Offices Appropriation Act, 1952 (65 Stat. 290)” in introductory provisions.

Subsec. (g). Pub. L. 100-459, as amended by Pub. L. 102-232, § 309(a)(1)(A)(ii), inserted “except that all such fees collected or paid over on or after October 1, 1988, shall be deposited in the Immigration Examinations Fee Account established under section 1356(m) of this title” after “Treasury of the United States”.

1981—Subsec. (c). Pub. L. 97-116 substituted “\$40,000” for “\$6,000” in two places.

1968—Subsec. (a). Pub. L. 90-609 inserted reference to section 483a of title 31 and substituted provisions making reference to setting of fees by Attorney General for provisions establishing fees of \$10 and \$5 respectively for covered services.

Subsec. (b). Pub. L. 90-609 struck out provisions setting fixed dollar amounts for specified services to be charged, collected, and accounted for by Attorney General.

Subsec. (g). Pub. L. 90-609 substituted fees received under this subchapter for fees received under subsec. (b) of this section as description of fees received from applicants residing in the Virgin Islands of the United States and in Guam which are turned over to the treasury of the Virgin Islands and Guam respectively.

1958—Subsec. (d). Pub. L. 85-508 struck out “in Alaska and” before “in the District Court of the Virgin Islands”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by section 102(b)(3) 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(l) 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.

Amendment by section 309(a)(1)(A)(ii) of Pub. L. 102-232 effective as if included in the enactment of the Department of Justice Appropriations Act, 1989, Pub. L. 100-459, title II, see section 309(a)(3) of Pub. L. 102-232, as amended, set out as a note under section 1356 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-116 applicable to fiscal years beginning on or after Oct. 1, 1981, see section 21(b)(2) of Pub. L. 97-116, set out as a note under section 1101 of this title.

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ADMISSION OF ALASKA AS STATE

Effectiveness of amendment of this section by Pub. L. 85-508 was dependent on admission of Alaska into the Union under section 8(b) of Pub. L. 85-508. Admission was accomplished Jan. 3, 1959 on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508. See notes preceding former section 21 of Title 48, Territories and Insular Possessions.

§ 1456. Repealed. Pub. L. 86-682, § 12(c), Sept. 2, 1960, 74 Stat. 708, eff. Sept. 1, 1960

Section, act June 27, 1952, ch. 477, title III, ch. 2, § 345, 66 Stat. 266, related to free transmittal of official mail in naturalization matters. See section 3202 of Title 39, Postal Service.

§ 1457. Publication and distribution of citizenship textbooks; use of naturalization fees

Authorization is granted for the publication and distribution of the citizenship textbook described in subsection (b) of section 1443 of this title and for the reimbursement of the appropriation of the Department of Justice upon the records of the Treasury Department from the naturalization fees deposited in the Treasury through the Service for the cost of such publication and distribution, such reimbursement to be made upon statements by the Attorney General of books so published and distributed.

(June 27, 1952, ch. 477, title III, ch. 2, § 346, 66 Stat. 266.)

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§ 1458. Compilation of naturalization statistics and payment for equipment

The Attorney General is authorized and directed to prepare from the records in the cus-