

334. Punishment for engaging in cooly trade.—Every citizen of the United States who, contrary to the provisions of section 331 of this title, takes on board of any vessel, or receives or transports any such subjects as are described in that section, for the purpose of disposing of them in any way as therein prohibited, shall be liable to a fine not exceeding \$2,000 and be imprisoned not exceeding one year. (R. S. § 2161.)

335. Voluntary emigration of "coolies" excepted.—Nothing herein contained shall be deemed to apply to any voluntary emigration of the subjects specified in section 331 of this title, or to any vessel carrying such person as passenger on board the same, but a certificate shall be prepared and signed by the consul or consular agent of the United States residing at the port from which such vessel may take her departure, containing the name of such person, and setting forth the fact of his voluntary emigration from such port, which certificate shall be given to the master of such vessel; and the same shall not be given until such consul or consular agent is first personally satisfied by evidence of the truth of the facts therein contained. (R. S. § 2162.)

336. Same; inquiry and certificate by consular officer.—In determining whether the immigration of any subject of China, Japan, or any oriental country, to the United States, is free and voluntary, as provided by the preceding section, it shall be the duty of the consul general or consul of the United States residing at the port from which it is proposed to convey such subjects, in any vessels enrolled or licensed in the United States, or any port within the same, before delivering to the masters of any such vessels the permit or certificate provided for in such section, to ascertain whether such immigrant has entered into a contract or agreement for a term of service within the United States, for low and immoral purposes; and if there be such contract or agreement, the said consul general or consul shall not deliver the required permit or certificate. (Mar. 3, 1875, c. 141, § 1, 18 Stat. 477.)

337. Examination of vessels.—The President is empowered, in such way and at such time as he may judge proper, to direct the vessels of the United States, and the masters and commanders thereof, to examine all vessels navigated or owned in whole or in part by citizens of the United States, and registered, enrolled, or licensed under the laws thereof, whenever in the judgment of such master or commanding officer, reasonable cause exists to believe that such vessel has on board any subjects of China, Japan, or other oriental country, known as "coolies"; and, upon sufficient proof that such vessel is employed in violation of the preceding provisions, to cause her to be carried, with her officers and crew, into any port or district within the United States, and delivered to the marshal of such district, to be held and disposed of according to law. (R. S. § 2163.)

338. Involuntary transportation of Chinese, Japanese, etc., for purpose of holding to service; penalty; contracts void.—If any citizen of the United States, or other person amenable to the laws of the United States, shall take, or cause to be taken or transported, to or from the United States any subject of China, Japan, or any oriental country, without their free and voluntary consent, for the purpose of holding them to a term of service, such citizen or other person shall be liable to be indicted therefor, and, on conviction of such offense, shall be punished by a fine not exceeding \$2,000 and be imprisoned not exceeding one year; and all contracts and agreements for a term of service of such persons in the United States, whether made in advance or in pursuance of such illegal importation, and whether such importation shall have been in American or other vessels, are hereby declared void. (Mar. 3, 1875, c. 141, § 2, 18 Stat. 477.)

339. Contracting to supply cooly labor.—If any person shall knowingly and willfully contract, or attempt to contract, in

advance or in pursuance of such illegal importation, to supply to another the labor of cooly or other person brought into the United States in violation of section 331 of this title, or of any other section of the laws prohibiting the cooly trade or of this chapter, such person shall be deemed guilty of a felony, and, upon conviction thereof, in any United States court, shall be fined in a sum not exceeding \$500 and imprisoned for a term not exceeding one year. (Mar. 3, 1875, c. 141, § 4, 18 Stat. 477.)

Chapter 9.—NATURALIZATION.

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BUREAU OF NATURALIZATION AND SERVICE

Section 351. Bureau of Naturalization; commissioner and deputy commissioner.—The Bureau of Naturalization is created and established with a Commissioner of Naturalization and a Deputy Commissioner of Naturalization. (June 29, 1906, c. 3592, § 1, 34 Stat. 596; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737.)

352. Same; supervision of naturalization of aliens.—The Bureau of Naturalization shall have charge, under the direction and control of the Secretary of Labor, of all matters concerning the naturalization of aliens. (June 29, 1906, c. 3592, § 1, 34 Stat. 596; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737.)

353. Same; powers of commissioner and deputy commissioner.—The Commissioner of Naturalization or, in his absence, the Deputy Commissioner of Naturalization, shall be the

administrative officer in charge of the Bureau of Naturalization and of the administration of the naturalization laws under the immediate direction of the Secretary of Labor, to whom he shall report directly upon all naturalization matters annually and as otherwise required, and the appointments of these two officers shall be made in the same manner as appointments to competitive classified civil-service positions. (June 29, 1906, c. 3592, § 1, 34 Stat. 596; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737.)

354. Same; administration of oaths by members of bureau and service.—Members of the Naturalization Bureau and Service may be designated by the Secretary of Labor to administer oaths relating to the administration of the naturalization law. (May 9, 1918, c. 69, § 1, 40 Stat. 544.)

355. Same; report of expenditures.—A detailed report of the expenditures under the appropriations for the Bureau of Naturalization shall be annually submitted to Congress at the beginning of each regular session thereof. (Mar. 4, 1909, c. 299, § 1, 35 Stat. 982.)

356. Regulations for execution of law; certified copies of papers as evidence.—The Secretary of Labor shall have power to make such rules and regulations as may be necessary for properly carrying into execution the various provisions of this chapter. Certified copies of all papers, documents, certificates, and records required to be used, filed, recorded, or kept under any and all of the provisions of sections 372 to 383, 386 to 394, 396 to 415 of this title shall be admitted in evidence equally with the originals in any and all proceedings under said sections and in all cases in which the originals thereof might be admissible as evidence. (June 29, 1906, c. 3592, § 28, 34 Stat. 606.)

JURISDICTIONAL

357. Jurisdiction of naturalization courts.—Exclusive jurisdiction to naturalize aliens as citizens of the United States is conferred upon the following specified courts:

United States district courts in the States, United States district courts for the Territories of Hawaii and Alaska, the Supreme Court of the District of Columbia; also all courts of record in any State or Territory having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited.

The naturalization jurisdiction of all courts herein specified, State, Territorial, and Federal, shall extend only to aliens resident within the respective judicial districts of such courts. (June 29, 1906, c. 3592, § 3, 34 Stat. 596; Mar. 3, 1911, c. 231, § 289, 36 Stat. 1167; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737.)

358. Same; District Court of the United States for Porto Rico; residence in Porto Rico.—The District Court of the United States for Porto Rico shall have jurisdiction for the naturalization of aliens and Porto Ricans, and for this purpose residence in Porto Rico shall be counted in the same manner as residence elsewhere in the United States. (Mar. 2, 1917, c. 145, § 41, 39 Stat. 965.)

GENERAL AND SPECIFIC LIMITATIONS OF NATURALIZATION

359. Racial limitation of naturalization; free white persons and Africans.—The provisions of this chapter shall apply to aliens being free white persons, and to aliens of African nativity and to persons of African descent, and nothing in sections 376 to 378, 387 to 395 or 406 of this title shall repeat or in any way enlarge this section, except as specified in sections 388 to 390, 392 to 394 of this title, and under the limitation therein defined. (R. S. § 2169; Feb. 18, 1875, c. 80, § 1, 18 Stat. 318; May 9, 1918, c. 69, 40 Stat. 547.)

360. Admission of persons not citizens owing permanent allegiance to the United States.—All the applicable provisions of the naturalization laws of the United States shall apply to

and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States, and who may become residents of any State or organized Territory of the United States, with the following modifications: The applicant shall not be required to renounce allegiance to any foreign sovereignty; he shall make his declaration of intention to become a citizen of the United States at least two years prior to his admission; and residence within the jurisdiction of the United States, owing such permanent allegiance, shall be regarded as residence within the United States within the meaning of the five years' residence clause of the existing law. (June 29, 1906, c. 3592, § 30, 34 Stat. 606.)

361. Residence period necessary.—No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States. (R. S. § 2170.)

362. Naturalization within thirty days preceding general election prohibited.—No person shall be naturalized nor shall any certificate of naturalization be issued by any court within thirty days preceding the holding of any general election within its territorial jurisdiction. (June 29, 1906, c. 3592, § 6, 34 Stat. 598.)

PERSONS INADMISSIBLE TO CITIZENSHIP

363. Persons inadmissible to citizenship; Chinese.—No State court or court of the United States shall admit Chinese to citizenship. (May 6, 1882, c. 126, § 14, 22 Stat. 61.)

364. Same; anarchists or polygamists.—No person who disbelieves in or who is opposed to organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States, or of any other organized government, because of his or their official character, or who is a polygamist, shall be naturalized or be made a citizen of the United States. (June 29, 1906, c. 3592, § 7, 34 Stat. 598.)

365. Same; persons unable to speak English.—No alien shall be naturalized or admitted as a citizen of the United States who can not speak the English language. This requirement shall not apply to aliens who are physically unable to comply therewith, if they are otherwise qualified to become citizens of the United States. The requirements of this section shall not apply to any alien who has prior to June 29, 1906, declared his intention to become a citizen of the United States in conformity with the law in force at the date of making such declaration; nor shall they apply to aliens who shall, after June 29, 1906, declare their intention to become citizens and who shall make homestead entries upon the public lands of the United States and comply in all respects with the laws providing for homestead entries on such lands. (June 29, 1906, c. 3592, § 8, 34 Stat. 599.)

366. Same; aliens withdrawing intention to become citizens to avoid service under Selective Draft Act not to be naturalized.—A citizen or subject of a country neutral in the World War who had declared his intention to become a citizen of the United States, and who was relieved from liability to military service under the Selective Draft Act (Act May 18, 1917, c. 15, 40 Stat. 76) upon his making a declaration, in accordance with regulations prescribed by the President, withdrawing his intention to become a citizen of the United States, which operated to cancel his declaration of intention to become an American citizen, shall forever be debarred from becoming a citizen of the United States. (May 18, 1917, c. 15, § 2, 40 Stat. 77; July 9, 1918, c. 143, subchapter XII, § 4, 40 Stat. 885.)

Cross reference. For immigration restrictions upon persons ineligible to citizenship see section 213 (c) of this title.

NATURALIZATION OF WOMEN

367. Naturalization of women; sex or marriage not a bar.—The right of any woman to become a naturalized citizen of the United States shall not be denied or abridged because of her sex or because she is a married woman. (Sept. 22, 1922, c. 411, § 1, 42 Stat. 1021.)

368. Same; women marrying citizens or persons becoming naturalized; procedure.—Any woman who marries a citizen of the United States after September 22, 1922, or any woman whose husband is naturalized after that date, shall not become a citizen of the United States by reason of such marriage or naturalization; but, if eligible to citizenship, she may be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(a) No declaration of intention shall be required;

(b) In lieu of the five-year period of residence within the United States and the one-year period of residence within the State or Territory where the naturalization court is held, she shall have resided continuously in the United States, Hawaii, Alaska, or Porto Rico for at least one year immediately preceding the filing of the petition. (Sept. 22, 1922, c. 411, § 2, 42 Stat. 1022.)

369. Same; women who have lost citizenship by marrying aliens eligible to citizenship; procedure.—A woman who, before September 22, 1922, has lost her United States citizenship by reason of her marriage to an alien eligible for citizenship, may be naturalized as provided in the preceding section. No certificate of arrival shall be required to be filed with her petition if during the continuance of the marital status she shall have resided within the United States. After her naturalization she shall have the same citizenship status as if her marriage had taken place after September 22, 1922. (Sept. 22, 1922, c. 411, § 4, 42 Stat. 1022.)

370. Same; women married to persons ineligible to citizenship.—No woman whose husband is not eligible to citizenship shall be naturalized during the continuance of the marital status. (Sept. 22, 1922, c. 411, § 5, 42 Stat. 1022.)

371. Same; wife of alien declarant becoming insane before naturalization; minor children.—When any alien, who has declared his intention to become a citizen of the United States, becomes insane before he is actually naturalized, and his wife shall thereafter make a homestead entry under the land laws of the United States, she and their minor children may, by complying with the other provisions of the naturalization laws be naturalized without making any declaration of intention. (Feb. 24, 1911, c. 151, 36 Stat. 929.)

NATURALIZATION PROCEEDINGS IN GENERAL

372. Proceedings for naturalization.—An alien may be admitted to become a citizen of the United States in the manner indicated under sections 372 to 394 of this title and not otherwise. (June 29, 1906, c. 3592, § 4, 34 Stat. 596.)

373. Declaration of intention.—He shall declare on oath before the clerk of any court authorized to naturalize aliens, or his authorized deputy, in the district in which such alien resides, at least two years prior to his admission, and after he has reached the age of eighteen years, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject. And such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel, if any, in which he came to the United States, and the present place of residence in the United States of said alien. No alien who, in

conformity with the law in force at the date of his declaration, has declared his intention to become a citizen of the United States shall be required to renew such declaration. (June 20, 1906, c. 3592, § 4, 34 Stat. 596.)

374. Same; not to be made on election day, etc.—It shall not be lawful to make a declaration of intention before the clerk of any court on election day or during the period of thirty days preceding the day of holding any election in the jurisdiction of the court. (May 9, 1918, c. 69, § 1, 40 Stat. 514.)

375. Same; not required from widow and minor children of aliens dying after declaration of intention.—When any alien who has declared his intention to become a citizen of the United States dies before he is actually naturalized the widow and minor children of such alien may, by complying with the other provisions of this chapter, be naturalized without making any declaration of intention. (June 20, 1906, c. 3592, § 4, 34 Stat. 597.)

376. Same; alien seamen declarants deemed citizens for purposes of protection.—Every seaman, being an alien, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served three years upon merchant or fishing vessels of the United States of more than twenty tons burden, as described under sections 388 and 393 of this title, be deemed a citizen of the United States for the purpose of serving on board any such merchant or fishing vessel of the United States, anything to the contrary in any Act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such after the filing of his declaration of intention to become such citizen. Nothing contained in this chapter shall be taken nor construed to repeat or modify any portion of sections 365, 366 of Title 33, or of sections 481, 569, 596, 597, 599, 601, 656, 672, 673, 683, 688, 701, 703, 712, or 713 of Title 46, to promote the welfare of American seamen. (May 9, 1918, c. 69, § 1, 40 Stat. 544.)

377. Same; certain aliens erroneously exercising rights and performing duties of citizenship prior to July 1, 1914.—Any person not an alien enemy, who resided uninterruptedly within the United States during the period of five years next preceding July 1, 1914, and was on that date otherwise qualified to become a citizen of the United States, except that he had not made the declaration of intention required by law and who during or prior to that time, because of misinformation regarding his citizenship status erroneously exercised the rights and performed the duties of a citizen of the United States in good faith, may file the petition for naturalization prescribed by law without making the preliminary declaration of intention required of other aliens, and upon satisfactory proof to the court that he has so acted may be admitted as a citizen of the United States upon complying in all respects with the other requirements of the naturalization law. (May 19, 1918, c. 69, § 1, 40 Stat. 545.)

378. Alien enemies to be naturalized only under specified conditions.—No alien who is a native, citizen, subject, or denizen of any country, state, or sovereignty with which the United States is at war shall be admitted to become a citizen of the United States unless he made his declaration of intention not less than two nor more than seven years prior to the existence of the state of war or was at that time entitled to become a citizen of the United States, without making a declaration of intention, or unless his petition for naturalization shall then be pending and is otherwise entitled to admission, notwithstanding he shall be an alien enemy at the time and in the manner prescribed by the laws passed upon that subject. No alien embraced within this subdivision shall have his petition for naturalization called for a hearing, or heard, except after ninety days' notice given by the clerk of the court to the Commissioner or Deputy Commissioner of Naturalization to be present, and the petition shall be given

no final hearing except in open court and after such notice to the representative of the Government from the Bureau of Naturalization, whose objection shall cause the petition to be continued from time to time for so long as the Government may require. Nothing herein contained shall be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien. The President of the United States may, in his discretion, upon investigation and report by the Department of Justice fully establishing the loyalty of any alien enemy not included in the foregoing exemption, except such alien enemy from the classification of alien enemy, and thereupon he shall have the privilege of applying for naturalization. (May 9, 1918, c. 69, § 7, 40 Stat. 545.)

379. Petition for naturalization; when required to be filed; allegations; verification by citizen witnesses.—Not less than two years nor more than seven years after he has made such declaration of intention he shall make and file, in duplicate, a petition in writing, signed by the applicant in his own handwriting and duly verified, in which petition such applicant shall state his full name, his place of residence (by street and number, if possible), his occupation, and, if possible, the date and place of his birth; the place from which he emigrated, and the date and place of his arrival in the United States, and, if he entered through a port, the name of the vessel on which he arrived; the time when and the place and name of the court where he declared his intention to become a citizen of the United States; if he is married he shall state the name of his wife and, if possible, the country of her nativity and her place of residence at the time of filing his petition; and if he has children, the name, date, and place of birth and place of residence of each child living at the time of the filing of his petition: *Provided*, That if he has filed his declaration before June 20, 1906, he shall not be required to sign the petition in his own handwriting.

The petition shall set forth that he is not a disbeliever in or opposed to organized government, or a member of or affiliated with any organization or body of persons teaching disbeliefs in or opposed to organized government, a polygamist or believer in the practice of polygamy, and that it is his intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he at the time of filing of his petition may be a citizen or subject, and that it is his intention to reside permanently within the United States, and whether or not he has been denied admission as a citizen of the United States, and, if denied, the ground or grounds of such denial, the court or courts in which such decision was rendered, and that the cause for such denial has since been cured or removed, and every fact material to his naturalization and required to be proved upon the final hearing of his application.

The petition shall also be verified by the affidavits of at least two credible witnesses, who are citizens of the United States, and who shall state in their affidavits that they have personally known the applicant to be a resident of the United States for a period of at least five years continuously, and of the State, Territory, or the District of Columbia in which the application is made for a period of at least one year immediately preceding the date of the filing of his petition, and that they each have personal knowledge that the petitioner is a person of good moral character, and that he is in every way qualified, in their opinion, to be admitted as a citizen of the United States. (June 20, 1906, c. 3592, § 4, 34 Stat. 596.)

380. Same; certificate of arrival and declaration of intention to be made a part.—At the time of filing his petition there shall be filed with the clerk of the court a certificate from the

Department of Labor, if the petitioner arrived in the United States after June 29, 1906, stating the date, place, and manner of his arrival in the United States and the declaration of intention of such petitioner which certificate and declaration shall be attached to and made a part of such petition. (June 29, 1906, c. 3592, § 4, 34 Stat. 596.)

Cross reference. For registry of aliens arriving in the United States see section 100 of chapter 6 of this title.

381. Oath renouncing foreign allegiance and to support Constitution and laws.—He shall, before he is admitted to citizenship, declare on oath in open court that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same. (June 29, 1906, c. 3592, § 4, 34 Stat. 596.)

382. Evidence of residence, character and attachment to principles of Constitution; evidence of witnesses.—It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States, five years at least, and within the State or Territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attachment to the principles of the Constitution shall be required, and the name, place of residence, and occupation of each witness shall be set forth in the record. (June 29, 1906, c. 3592, § 4, 34 Stat. 596.)

383. Same; evidence of certain period of residence by deposition.—In case the petitioner has not resided in the State, Territory, or the District of Columbia for a period of five years continuously and immediately preceding the filing of his petition he may establish by two witnesses, both in his petition and at the hearing, the time of his residence within the State, provided that it has been for more than one year, and the remaining portion of his five years' residence within the United States required by law to be established may be proved by the depositions of two or more witnesses who are citizens of the United States, upon notice to the Bureau of Naturalization. (June 29, 1906, c. 3592, § 10, 34 Stat. 599; May 4, 1913, c. 141 § 3, 37 Stat. 737; May 9, 1918, c. 69, §§ 1, 3, 40 Stat. 544, 548.)

384. Same; aliens serving on vessels of foreign registry.—Service by aliens upon vessels other than of American registry, whether continuous or broken, shall not be considered as residence for naturalization purposes within the jurisdiction of the United States, and such aliens can not secure residence for naturalization purposes during service upon vessels of foreign registry. (May 9, 1918, c. 69, § 1, 40 Stat. 544.)

385. Same; residence in Hawaiian Islands prior to April 30, 1900, equivalent to residence in United States; validating records, etc.—For the purposes of naturalization under the laws of the United States residence in the Hawaiian Islands prior to April 30, 1900, shall be deemed equivalent to residence in the United States and in the Territory of Hawaii, and the requirement of a previous declaration of intention to become a citizen of the United States and to renounce former allegiance shall not apply to persons who have resided in said islands at least five years prior to April 30, 1900; but all other provisions of the laws of the United States relating to naturaliza-

tion shall, so far as applicable, apply to persons in the said islands.

All records relating to naturalization, all declarations of intention to become citizens of the United States, and all certificates of naturalization filed, recorded, or issued prior to June 29, 1906, in or from any circuit court of the Territory of Hawaii, shall for all purposes be deemed to be and to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this section further validated or legalized. (Apr. 30, 1900, c. 339, § 100, 31 Stat. 161; May 27, 1910, c. 258, § 9, 36 Stat. 418.)

386. Renunciation of title or orders of nobility.—In case the alien applying to be admitted to citizenship has borne any hereditary title, or has been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court. (June 29, 1906, c. 3592, § 4, 34 Stat. 596.)

387. Citizenship training of applicants for naturalization; reimbursement for publishing citizenship textbook.—For the purpose of carrying on the work of the Bureau of Naturalization of sending the names of the candidates for citizenship to the public schools and otherwise promoting instruction and training in citizenship responsibilities of applicants for naturalization, as provided in this subdivision, authority is given for the reimbursement of the printing and binding appropriation of the Department of Labor upon the records of the Treasury Department from the naturalization fees deposited in the Treasury through the Bureau of Naturalization for the cost of publishing the citizenship textbook prepared and to be distributed by the Bureau of Naturalization to those candidates for citizenship only who are in attendance upon the public schools, such reimbursement to be made upon statements by the Commissioner of Naturalization of books actually delivered to such student candidates for citizenship, and a monthly naturalization bulletin, and in this duty to secure the aid of and cooperate with the official State and national organizations, including those concerned with vocational education and including personal services in the District of Columbia. (May 9, 1918, c. 69, § 1, 40 Stat. 544.)

388. Filipino declarants honorably discharged from Navy, Marine Corps, or Naval Auxiliary Service; Porto Ricans or aliens serving in Army, Navy, Marine Corps, Coast Guard, or United States Government vessels, etc.; residence.—Any native-born Filipino of the age of twenty-one years and upward who has declared his intention to become a citizen of the United States and who has enlisted or may enlist in the United States Navy or Marine Corps or the Naval Auxiliary Service, and who, after service of not less than three years, may be honorably discharged therefrom, or who may receive an ordinary discharge with recommendation for reenlistment; or any alien, or any Porto Rican not a citizen of the United States, of the age of twenty-one years and upward, who has enlisted or entered or may hereafter enlist in or enter the armies of the United States, either the Regular or the Volunteer Forces, or the National Army, the National Guard or Naval Militia of any State, Territory, or the District of Columbia, or the State militia in Federal service, or in the United States Navy or Marine Corps, or in the United States Coast Guard, or who has served for three years on board of any vessel of the United States Government, or for three years on board of merchant or fishing vessels of the United States of more than twenty tons burden, and while still in the service on a reenlistment or reappointment, or within six months after an honorable discharge or separation therefrom, or while on furlough to the Army Reserve or Regular Army Reserve after honorable service, may, on presentation of the required declaration of intention petition for naturaliza-

tion without proof of the required five years' residence within the United States if upon examination by the representative of the Bureau of Naturalization, in accordance with the requirements of sections 388 to 390, and 392 to 394 of this title, it is shown that such residence can not be established. (May 9, 1918, c. 69, § 1, 40 Stat. 512.)

389. Alien declarant honorably discharged from Army, Navy, etc., subsequently accepted conditionally in military or naval service; residence considered residence within United States.—Any alien declarant who has served in the United States Army or Navy, or the Philippine Constabulary, and has been honorably discharged therefrom, and has been accepted for service in either the military or naval service of the United States on the condition that he becomes a citizen of the United States, may file his petition for naturalization upon proof of continuous residence within the United States for the three years immediately preceding his petition, by two witnesses, citizens of the United States, and in these cases only residence in the Philippine Islands and the Panama Canal Zone by aliens may be considered residence within the United States, and the place of such military service shall be construed as the place of residence required to be established for purposes of naturalization. (May 9, 1918, c. 69, § 1, 40 Stat. 512.)

390. Aliens in military service of United States on May 9, 1918, filing "overseas petition"; oath of allegiance.—Any alien, who, on May 9, 1918, was in the military service of the United States, and who may not be within the jurisdiction of any court authorized to naturalize aliens, may file his petition for naturalization without appearing in person in the office of the clerk of the court and shall not be required to take the prescribed oath of allegiance in open court. The petition shall be verified by the affidavits of at least two credible witnesses who are citizens of the United States, and who shall prove in their affidavits the portion of the residence that they have personally known the applicant to have resided within the United States. The time of military service may be established by the affidavits of at least two other citizens of the United States, which, together with the oath of allegiance, may be taken in accordance with the terms of section 131 of title 22 after notice from and under regulations of the Bureau of Naturalization. Such affidavits and oath of allegiance shall be admitted in evidence in any original or appellate naturalization proceeding without proof of the genuineness of the seal or signature or of the official character of the officer before whom the affidavits and oath of allegiance were taken, and shall be filed by the representative of the Government from the Bureau of Naturalization at the hearing as provided by section 399 of this title. (May 9, 1918, c. 69, § 1, 40 Stat. 513.)

391. Persons serving in military or naval forces at termination of World War; persons honorably discharged therefrom; residence.—Any person who was serving in the military or naval forces of the United States at the termination of the World War, and any person who before the termination of said war may have been honorably discharged from the military or naval services of the United States on account of disability incurred in line of duty, shall, if he applies to the proper court for admission as a citizen of the United States, be relieved from the necessity of proving that immediately preceding the date of his application he has resided continuously within the United States the time required by law of other aliens, or within the State, Territory, or the District of Columbia for the year immediately preceding the date of his petition for naturalization, but his petition for naturalization shall be supported by the affidavits of two credible witnesses, citizens of the United States, identifying the petitioner as the person named in the certificate of honorable discharge, which said certificate may be accepted as evidence of good moral character required by law, and he

shall comply with the other requirements of the naturalization law. (May 9, 1918, c. 69, § 1, 40 Stat. 511.)

392. Aliens serving in military or naval forces during World War; declaration of intention; residence.—Any alien who served in the military or naval service of the United States during the time this country was engaged in the World War, might file his petition for naturalization without making the preliminary declaration of intention and without proof of the required five years' residence within the United States. (May 9, 1918, c. 69, § 1, 40 Stat. 513.)

393. Certain aliens or persons owing permanent allegiance; jurisdiction of courts; evidence of residence, etc.—Any alien, or any person owing permanent allegiance to the United States embraced within sections 388 to 390, 392 to 394 of this title, may file his petition for naturalization in the most convenient court without proof of residence within its jurisdiction, notwithstanding the limitation upon the jurisdiction of the courts specified in section 357 of this title, provided he appears with his two witnesses before the appropriate representative of the Bureau of Naturalization and passes the preliminary examination hereby required before filing his petition for naturalization in the office of the clerk of the court, and in each case the record of this examination shall be offered in evidence by the representative of the Government from the Bureau of Naturalization and made a part of the record at the original and any subsequent hearings; and, except as otherwise herein provided, the honorable discharge certificate of such alien, or person owing permanent allegiance to the United States, or the certificate of service showing good conduct, signed by a duly authorized officer, or by the masters of said vessels, shall be deemed prima facie evidence to satisfy all of the requirements of residence within the United States and within the State, Territory, or the District of Columbia, and good moral character required by law, when supported by the affidavits of two witnesses, citizens of the United States, identifying the applicant as the person named in the certificate or honorable discharge, and in those cases only where the alien is actually in the military or naval service of the United States, the certificate of arrival shall not be filed with the petition for naturalization in the manner prescribed. (May 9, 1918, c. 69, § 1, 40 Stat. 513.)

394. Hearing of certain petitions for naturalization within thirty days of election.—Any petition for naturalization filed under the provisions of sections 388 to 390, 392 to 394 of this title, may be heard immediately, notwithstanding the law prohibits the hearing of a petition for naturalization during thirty days preceding any election in the jurisdiction of the court. (May 9, 1918, c. 69, § 1, 40 Stat. 513.)

395. Effect of repeal of section 2166, Revised Statutes, upon aliens serving in Army prior to January 1, 1900, and honorably discharged therefrom.—As to all aliens who, prior to January 1, 1900, served in the armies of the United States, and who were honorably discharged therefrom, section 2166 of the Revised Statutes of the United States—which read as follows: "Any alien, of the age of twenty-one years and upward, who has enlisted, or may enlist, in the armies of the United States, either the Regular or the Volunteer Forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States"—shall be and remain in full force and effect. (May 9, 1918, c. 69, § 2, 40 Stat. 517.)

396. Time for filing petition for naturalization; stated days for final action thereon; change of name.—Petitions for naturalization may be made and filed during term time or vacation of the court and shall be docketed the same day as filed, but final action thereon shall be had only on stated days, to be fixed by rule of the court, and in no case shall final action be had upon a petition until at least ninety days have elapsed after filing and posting the notice of such petition. No person shall be naturalized nor shall any certificate of naturalization be issued by any court within thirty days preceding the holding of any general election within its territorial jurisdiction. It shall be lawful, at the time and as a part of the naturalization of any alien, for the court, in its discretion, upon the petition of such alien, to make a decree changing the name of said alien, and his certificate of naturalization shall be issued to him in accordance therewith. (June 29, 1906, c. 3592, § 6, 34 Stat. 598.)

397. Public notice of filing of petition and of hearing thereon; witnesses.—The clerk of the court shall, immediately after filing the petition, give notice thereof by posting in a public and conspicuous place in his office, or in the building in which his office is situated, under an appropriate heading, the name, nativity, and residence of the alien, the date and place of his arrival in the United States, and the date, as nearly as may be, for the final hearing of his petition, and the names of the witnesses whom the applicant expects to summon in his behalf; and the clerk shall, if the applicant requests it, issue a subpoena for the witnesses so named by the said applicant to appear upon the day set for the final hearing, but in case such witnesses can not be produced upon the final hearing other witnesses may be summoned. (June 29, 1906, c. 3592, § 5, 34 Stat. 598.)

398. Final hearing on petition in open court; final order under hand of court; examination of applicant and witnesses.—Every final hearing upon a petition for naturalization shall be had in open court before a judge or judges thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the applicant and witnesses shall be examined under oath before the court and in the presence of the court. (June 29, 1906, c. 3592, § 9, 34 Stat. 599.)

399. Appearance by United States and proceedings in opposition to naturalization.—The United States shall have the right to appear before any court or courts exercising jurisdiction in naturalization proceedings for the purpose of cross-examining the petitioner and the witnesses produced in support of his petition concerning any matter touching or in any way affecting his right to admission to citizenship, and shall have the right to call witnesses, produce evidence, and be heard in opposition to the granting of any petition in naturalization proceedings. (June 29, 1906, c. 3592, § 11, 34 Stat. 599.)

DUTIES OF CLERKS OF COURTS; NATURALIZATION FEES

400. Duties of clerks of courts; filing declaration of intention; forwarding duplicate certificate and names of aliens denied citizenship; penalty.—It shall be the duty of the clerk of each and every court exercising jurisdiction in naturalization matters to keep and file a duplicate of each declaration of intention made before him and to send to the Bureau of Naturalization at Washington, within thirty days after the issuance of a certificate of citizenship, a duplicate of such certificate, and to make and keep on file in his office a stub for each certificate so issued by him, whereon shall be entered a memorandum of all the essential facts set forth in such certificate. It shall also be the duty of the clerk of each of said

courts to report to the said bureau, within thirty days after the final hearing and decision of the court, the name of each and every alien who shall be denied naturalization, and to furnish to said bureau duplicates of all petitions within thirty days after the filing of the same, and certified copies of such other proceedings and orders instituted in or issued out of said court affecting or relating to the naturalization of aliens as may be required from time to time by the said bureau.

In case any such clerk or officer acting under his direction shall refuse or neglect to comply with any of the foregoing provisions of this section he shall forfeit and pay to the United States the sum of \$25 in each and every case in which such violation or omission occurs, and the amount of such forfeiture may be recovered by the United States in an action of debt against such clerk. (June 29, 1906, c. 3592, § 12, 34 Stat. 599.)

401. Same; responsibility for blank certificates of citizenship; return of defaced certificates; penalty.—Clerks of courts having and exercising jurisdiction in naturalization matters shall be responsible for all blank certificates of citizenship received by them from time to time from the Bureau of Naturalization, and shall account for the same to the said bureau whenever required so to do by such bureau. No certificate of citizenship received by any such clerk which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificate shall be returned to the said bureau; and in case any such clerk shall fail to return or properly account for any certificate furnished by the said bureau, as herein provided, he shall be liable to the United States in the sum of \$50, to be recovered in an action of debt, for each and every certificate not properly accounted for or returned. (June 29, 1906, c. 3592, § 12, 34 Stat. 599.)

402. Fees; disposition of; clerical assistance.—The clerk of each and every court exercising jurisdiction in naturalization cases shall charge, collect, and account for the following fees in each proceeding:

For receiving and filing a declaration of intention and issuing a duplicate thereof, \$1.

For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing thereon, \$2; and for entering the final order and the issuance of the certificate of citizenship thereunder, if granted, \$2.

Except as hereinafter mentioned in this section, the clerk of any court collecting such fees is authorized to retain one-half of the fees collected by him in such naturalization proceeding; the remaining one-half of the naturalization fees in each case collected by such clerks, respectively, shall be accounted for in their quarterly accounts, which they are required to render the Bureau of Naturalization, and paid over to such bureau within thirty days from the close of each quarter in each and every fiscal year, and the moneys so received shall be paid over to the disbursing clerk of the Department of Labor, who shall thereupon deposit them in the Treasury of the United States, rendering an account therefor quarterly to the General Accounting Office, and the said disbursing clerk shall be held responsible under his bond for said fees so received.

In addition to the fees herein required, the petitioner shall, upon the filing of his petition to become a citizen of the United States, deposit with and pay to the clerk of the court a sum of money sufficient to cover the expenses of subpoenaing and paying the legal fees of any witnesses for whom he may request a subpoena, and upon the final discharge of such witnesses they shall receive, if they demand the same from the clerk, the customary and usual witness fees from the moneys which the petitioner shall have paid to such clerk for such

purpose, and the residue, if any, shall be returned by the clerk to the petitioner.

The clerks of courts exercising jurisdiction in naturalization proceedings shall be permitted to retain one-half of the fees in any fiscal year up to the sum of \$3,000, and all fees received by such clerks in naturalization proceedings in excess of such amount shall be accounted for and paid over to said bureau as in case of other fees to which the United States may be entitled under the provisions of this chapter.

The clerks of the various courts exercising jurisdiction in naturalization proceedings shall pay all additional clerical force that may be required in performing the duties imposed by the naturalization laws upon the clerks of courts from fees received by such clerks in naturalization proceedings.

Payment for the additional clerical assistance herein authorized shall be in the manner and under such regulations as the Secretary of Labor may prescribe. In case the clerk of any court exercising naturalization jurisdiction collects fees in excess of the sum of \$6,000 in any fiscal year the Secretary of Labor may allow salaries, for naturalization purposes only, to pay for clerical assistance, to be selected and employed by that clerk, additional to the clerical force, for which clerks of courts are required by this section to pay from fees received by such clerks in naturalization proceedings, if in the opinion of said Secretary the naturalization business of such clerk warrants further additional assistance.

The whole amount allowed for a fiscal year to the clerk of a court and his assistants from naturalization fees and any appropriation made for carrying on the work of the Bureau of Naturalization shall be based upon and not exceed the one-half of the gross receipts of said clerk from naturalization fees during the fiscal year immediately preceding, unless the naturalization business of the clerk of any court during the year shall be in excess of the naturalization business of the preceding year, in which event the amount allowed may be increased to an amount equal to one-half the estimated gross receipts of the said clerk from naturalization fees during the current fiscal year. The provisions of this section relating to the retention as compensation by clerks of courts of naturalization fees shall not apply to clerks of United States courts who by law are to receive a salary in lieu of fees or other emoluments. (June 20, 1906, c. 3592, § 13, 34 Stat. 600; June 25, 1910, c. 401, § 1, 36 Stat. 829; June 12, 1917, c. 27, § 1, 40 Stat. 171; Feb. 26, 1919, c. 49, §§ 1, 2, 40 Stat. 1182; Feb. 11, 1921, c. 46, 41 Stat. 1099; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1412.)

403. Same; when United States is at war.—During the time when the United States is at war no clerk of a United States court shall charge or collect a naturalization fee from an alien in the military service of the United States for filing his petition or issuing the certificate of naturalization upon admission to citizenship, and no clerk of any State court shall charge or collect any fee for this service 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 full accounting for all of these transactions shall be made to the Bureau of Naturalization in the manner provided by section 402 of this title. (May 9, 1918, c. 69, § 1, 40 Stat. 514.)

404. Declarations of intention and petitions as records of court; reference in certificate to record.—The declarations of intention and the petitions for naturalization shall be bound in chronological order in separate volumes, indexed, consecutively numbered, and made part of the records of the court. Each certificate of naturalization issued shall bear upon its face, in a place prepared therefor, the volume number and page number of the petition whereon such certificate was issued, and the volume number and page number of the stub of such certificate. (June 29, 1906, c. 3592, § 14, 34 Stat. 601.)

VALIDATING OR CANCELING NATURALIZATION CERTIFICATES

405. Cancellation of certificates of citizenship fraudulently or illegally procured; aliens returning to country of nativity or residing permanently in foreign country; certified copy of order canceling certificate.—It shall be the duty of the United States district attorneys for the respective districts, or the Commissioner or Deputy Commissioner of Naturalization, upon affidavit showing good cause therefor, to institute proceedings in any court having jurisdiction to naturalize aliens in the judicial district in which the naturalized citizen may reside at the time of bringing the suit, for the purpose of setting aside and canceling the certificate of citizenship on the ground of fraud or on the ground that such certificate of citizenship was illegally procured. In any such proceedings the party holding the certificate of citizenship alleged to have been fraudulently or illegally procured shall have sixty days personal notice in which to make answer to the petition of the United States; and if the holder of such certificate be absent from the United States or from the district in which he last had his residence, such notice shall be given by publication in the manner provided for the service of summons by publication or upon absentees by the laws of the State or the place where such suit is brought.

If any alien who shall have secured a certificate of citizenship under the provisions of this chapter shall, within five years after the issuance of such certificate, return to the country of his nativity, or go to any other foreign country, and take permanent residence therein, it shall be considered prima facie evidence of a lack of intention on the part of such alien to become a permanent citizen of the United States at the time of filing his application for citizenship, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the cancellation of his certificate of citizenship as fraudulent, and the diplomatic and consular officers of the United States in foreign countries shall from time to time, through the Department of State, furnish the Department of Justice with the names of those within their respective jurisdictions who have such certificates of citizenship and who have taken permanent residence in the country of their nativity, or in any other foreign country, and such statements, duly certified, shall be admissible in evidence in all courts in proceedings to cancel certificates of citizenship.

Whenever any certificate of citizenship shall be set aside or canceled, as herein provided, the court in which such judgment or decree is rendered shall make an order canceling such certificate of citizenship and shall send a certified copy of such order to the Bureau of Naturalization; and in case such certificate was not originally issued by the court making such order it shall direct the clerk of the court to transmit a copy of such order and judgment to the court out of which such certificate of citizenship shall have been originally issued. And it shall thereupon be the duty of the clerk of the court receiving such certified copy of the order and judgment of the court to enter the same of record and to cancel such original certificate of citizenship upon the records and to notify the Bureau of Naturalization of such cancellation.

The provisions of this section shall apply not only to certificates of citizenship issued under the provisions of sections 356, 357, 360, 362, 364, 365, 372 to 383, 386 to 394, 396 to 405, and 407 to 415 of this title, but to all certificates of citizenship which may have been issued prior to ninety days after June 29, 1906, by any court exercising jurisdiction in naturalization proceedings under prior laws. (June 29, 1906, c. 3592, § 15, 34 Stat. 601; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737; May 9, 1918, c. 69, § 1, 40 Stat. 511.)

406. Validation of certificates of naturalization granted prior to December 31, 1918.—All certificates of naturalization

granted by courts of competent jurisdiction prior to December 31, 1918, upon petitions for naturalization filed prior to January 31, 1918, upon declarations of intention filed prior to September 27, 1906, are declared to be valid in so far as the declaration of intention is concerned, but shall not be further validated or legalized by the provisions of this section. (May 9, 1918, c. 69, § 3, 40 Stat.)

407. Certificates of naturalization failing to show compliance with requirements of Act March 3, 1903, validated.—Naturalization certificates issued after the time of the taking effect of Act March 3, 1903, Thirty-second Statutes, page 1222, which fail to show that the courts issuing said certificates complied with the requirements of section 39 of said Act, but which were otherwise lawfully issued, are declared to be as valid as though said certificates complied with said section. In all such cases applications shall be made for new naturalization certificates, and when the same are granted, upon compliance with the provisions of said Act of 1903, they shall relate back to the defective certificates, and citizenship shall be deemed to have been perfected at the date of the defective certificate. (June 29, 1906, c. 3024, § 1, 34 Stat. 630.)

NATURALIZATION FORMS

408. Naturalization forms supplied courts on requisition; certificates to be consecutively numbered.—The courts specified in sections 357 and 358 of this title shall, upon the requisition of the clerks of such courts, be furnished from time to time by the Bureau of Naturalization with such blank forms as may be required in the naturalization of aliens. All certificates of naturalization shall be consecutively numbered and printed on safety paper furnished by said bureau. (June 29, 1906, c. 3592, § 3, 34 Stat. 596.)

409. Forms.—Substantially the following forms shall be used in the proceedings to which they relate:

Declaration of Intention

(Invalid for all purposes seven years after the date hereof)

_____, ss:

I, _____, aged _____ years, occupation _____, do declare on oath (affirm) that my personal description is: color _____, complexion _____, height _____, weight _____, color of hair _____, color of eyes _____, other visible distinctive marks _____; I was born in _____ on the _____ day of _____, anno Domini _____; I now reside at _____; I emigrated to the United States of America from _____ on the vessel _____; my last foreign residence was _____. It is my bona fide intention to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to _____, of which I am now a citizen (subject); I arrived at the (port) of _____ in the State (Territory or the District of Columbia) of _____ on or about the _____ day of _____ anno Domini _____; I am not an anarchist; I am not a polygamist nor a believer in the practice of polygamy; and it is my intention in good faith to become a citizen of the United States of America and to permanently reside therein. So help me God.

(Original signature of declarant) _____.

Subscribed and sworn to (affirmed) before me this _____ day of _____, anno Domini _____.

[L. S.]

(Official character of attestor.)

Petition for Naturalization

_____ Court of _____

In the matter of the petition of _____ to be admitted as a citizen of the United States of America

To the _____ Court:

The petition of _____ respectfully shows:

First. My full name is _____,

Second. My place of residence is number _____ street, city of _____, State (Territory or the District of Columbia) of _____.

Third. My occupation is _____.

Fourth. I was born on the _____ day of _____ at _____.

Fifth. I emigrated to the United States from _____, on or about the _____ day of _____, anno Domini _____, and arrived at the port of _____, in the United States, on the vessel _____.

Sixth. I declared my intention to become a citizen of the United States on the _____ day of _____ at _____, in the _____ court of _____.

Seventh. I am _____ married. My wife's name is _____. She was born in _____ and now resides at _____. I have _____ children, and the name, date, and place of birth and place of residence of each of said children is as follows: _____; _____; _____.

Eighth. I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in organized government. I am not a polygamist nor a believer in the practice of polygamy. I am attached to the principles of the Constitution of the United States, and it is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to _____, of which at this time I am a citizen (or subject), and it is my intention to reside permanently in the United States.

Ninth. I am able to speak the English language.

Tenth. I have resided continuously in the United States of America for a term of five years at least immediately preceding the date of this petition, to wit, since _____, anno Domini _____, and in the State (Territory or the District of Columbia) of _____ for one year at least next preceding the date of this petition, to wit, since _____ day of _____, anno Domini _____.

Eleventh. I have not heretofore made petition for citizenship to any court. (I made petition for citizenship to the _____ court of _____ at _____, and the said petition was denied by the said court for the following reasons and causes, to wit, _____, and the cause of such denial has since been cured or removed.)

Attached hereto and made a part of this petition are my declaration of intention to become a citizen of the United States and the certificate from the Department of Labor required by law. Wherefore your petitioner prays that he may be admitted a citizen of the United States of America.

Dated _____.

(Signature of petitioner) _____.

_____, ss:

_____, being duly sworn, deposes and says that he is the petitioner in the above-entitled proceeding; that he has read the foregoing petition and knows the contents thereof; that the same is true of its own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me this _____ day of _____, anno Domini _____.

[L. S.]

_____, Clerk of the _____ Court.

Affidavit of Witnesses

_____ Court of _____

In the matter of the petition of _____ to be admitted a citizen of the United States of America

_____, ss:

_____, occupation _____, residing at _____, and _____, occupation _____, residing at _____, each being severally, duly, and respectively sworn, deposes and says that he is a citizen of the United States of America; that he has personally known _____, the petitioner above mentioned, to be a resident of the United States for a period of at least five years continuously

Immediately preceding the date of filing his petition, and of the State (Territory or the District of Columbia) in which the above-entitled application is made for a period of — years immediately preceding the date of filing his petition; and that he has personal knowledge that the said petitioner is a person of good moral character, attached to the principles of the Constitution of the United States, and that he is in every way qualified, in his opinion, to be admitted as a citizen of the United States.

Subscribed and sworn to before me this — day of —, nineteen hundred and —,
 [L. S.] ————,
 (Official character of attestor.)

Certificate of Naturalization

Number —,
 Petition, volume —, page —,
 Stub, volume —, page —,
 (Signature of holder) ————.

Description of holder: Age, —; height, —; color, —; complexion, —; color of eyes, —; color of hair, —; visible distinguishing marks, —. Name, age, and place of residence of wife, —, —, —. Names, ages, and places of residence of minor children, —, —, —; —, —, —; —, —, —.

Be it remembered, that at a — term of the — court of —, held at — on the — day of —, in the year of our Lord nineteen hundred and —, —, who previous to his (her) naturalization was a citizen or subject of —, at present residing at number — street, — city (town), — State (Territory or the District of Columbia), having applied to be admitted a citizen of the United States of America pursuant to law, and the court having found that the petitioner had resided continuously within the United States for at least five years and in this State for one year immediately preceding the date of the hearing of his (her) petition, and that said petitioner intends to reside permanently in the United States, had in all respects complied with the law in relation thereto, and that —he was entitled to be so admitted, it was thereupon ordered by the said court that —he be admitted as a citizen of the United States of America.

In testimony whereof the seal of said court is herunto affixed on the — day of —, in the year of our Lord nineteen hundred and —, and of our independence the —,
 [L. S.] ————,
 (Official character of attestor.)

Stub of Certificate of Naturalization

No. of certificate, —.
 Name — —; age, —.
 Declaration of intention, volume —, page —,
 Petition, volume —, page —,
 Name, age, and place of residence of wife, —, —, —,
 Names, ages, and places of residence of minor children, —, —, —, —, —, —, —, —, —, —, —, —,
 —, —, —, —, —, —, —, —, —, —, —, —,
 —, —, —, —, —, —, —, —, —, —, —, —,
 Date of order, volume —, page —,
 (Signature of holder) ————.
 (June 29, 1906, c. 3592, § 27, 34 Stat. 603; May 9, 1918, c. 69 § 3, 40 Stat. 548.)

OFFENSES AND PUNISHMENT

410. Issuance of certificate of citizenship contrary to law.—It shall be a felony for any clerk or other person to issue or

be a party to the issuance of a certificate of citizenship contrary to the provisions of sections 356, 357, 360, 362, 364, 365, 372 to 383, 386 to 394, 396 to 405, and 407 to 415 of this title, except upon a final order under the hand of a court having jurisdiction to make such order, and upon conviction thereof such clerk or other person shall be punished by imprisonment for not more than five years and by a fine of not more than \$5,000, in the discretion of the court. (June 29, 1906, c. 3592, § 18, 34 Stat. 602.)

411. Embezzlement of moneys received for naturalization proceedings.—Any clerk or other officer of a court having power under any of the sections enumerated in section 410 of this title to naturalize aliens, who willfully neglects to render true accounts of moneys received by him for naturalization proceedings or who willfully neglects to pay over any balance of such moneys due to the United States within thirty days after said payment shall become due and demand therefor has been made and refused, shall be deemed guilty of embezzlement of the public moneys, and shall be punishable by imprisonment for not more than five years, or by a fine of not more than \$5,000, or both. (June 29, 1906, c. 3592, § 20, 34 Stat. 602.)

412. Demand or receipt by clerk of fees or moneys other than those specified.—It shall be unlawful for any clerk of any court or his authorized deputy or assistant exercising jurisdiction in naturalization proceedings, to demand, charge, collect, or receive any other or additional fees or moneys in naturalization proceedings save the fees and moneys herein specified; and a violation of any of the provisions of this section or any part thereof is declared to be a misdemeanor and shall be punished by imprisonment for not more than two years, or by a fine of not more than \$1,000, or by both such fine and imprisonment. (June 29, 1906, c. 3592, § 21, 34 Stat. 602.)

413. False certifications by clerk.—The clerk of any court exercising jurisdiction in naturalization proceedings, or any person acting under authority of the provisions of sections 356, 357, 360, 362, 364, 365, 372, 383, 386 to 394, 396 to 405, and 407 to 415 of this title, who shall knowingly certify that a petitioner, affiant, or witness named in an affidavit, petition, or certificate of citizenship, or other paper or writing required to be executed under the provisions of said sections, personally appeared before him and was sworn thereto, or acknowledged the execution thereof or signed the same, when in fact such petitioner, affiant, or witness did not personally appear before him, or was not sworn thereto, or did not execute the same, or did not acknowledge the execution thereof, shall be punished by a fine not exceeding \$5,000, or by imprisonment not to exceed five years. (June 29, 1906, c. 3592, § 22, 34 Stat. 603.)

414. Procuring naturalization illegally; aiding unauthorized proceedings; false testimony.—Any person who knowingly procures naturalization in violation of the provisions of this chapter shall be fined not more than \$5,000, or shall be imprisoned not more than five years, or both, and upon conviction the court in which such conviction is had shall thereupon adjudge and declare the final order admitting such person to citizenship void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication. Any person who knowingly aids, advises, or encourages any person not entitled thereto to apply for or to secure naturalization, or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than \$5,000, or imprisoned not more than five years, or both. (June 29, 1906, c. 3592, § 23, 34 Stat. 603.)

415. Limitation of prosecutions for crimes.—No person shall be prosecuted, tried, or punished for any crime arising under

the provisions of sections 356, 357, 360, 362, 364, 365, 372, 383, 386 to 394, 396 to 405, and 407 to 415 of this title, unless the indictment is found or the information is filed within five years next after the commission of such crime. (June 20, 1906, c. 3592, § 24, 34 Stat. 603.)

416. **Prior laws in effect for prosecution of offenses against naturalization laws.**—For the purposes of the prosecution of all

crimes and offenses against the naturalization laws of the United States which may have been committed prior to May 9, 1918, the statutes and laws then in force and since repealed shall remain in full force and effect. (May 9, 1918, c. 69, § 2, 40 Stat. 547.)

Cross reference. For other offenses against the naturalization laws see chapter 4 of Title 18, CRIMINAL CODE AND CRIMINAL PROCEDURE.

AMBASSADORS

See Title 22, FOREIGN RELATIONS AND INTERCOURSE.

AMERICAN LEGION

See Title 36, PATRIOTIC SOCIETIES AND OBSERVANCES.

AMERICAN NATIONAL RED CROSS

See Title 36, PATRIOTIC SOCIETIES AND OBSERVATIONS.

AMERICAN PRINTING HOUSE FOR THE BLIND

See Title 20, EDUCATION.

AMERICAN WAR MOTHERS

See Title 36, PATRIOTIC SOCIETIES AND OBSERVANCES.

ANCHORAGE REGULATIONS

See Title 33, NAVIGATION AND NAVIGABLE WATERS.

ANIMALS

See Title 7, AGRICULTURE; Title 16, CONSERVATION; Title 45, RAILROADS.

ANTITRUST LAWS

See Title 15, COMMERCE AND TRADE.

APPORTIONMENT

See Title 2, CONGRESS.

APPROPRIATIONS

See Title 31, MONEY AND FINANCE.