

§316.11

(iii) Committed unlawful acts that adversely reflect upon the applicant's moral character, or was convicted or imprisoned for such acts, although the acts do not fall within the purview of §316.10(b) (1) or (2).

(c) *Proof of good moral character in certain cases—(1) Effect of probation or parole.* An applicant who has been on probation, parole, or suspended sentence during all or part of the statutory period is not thereby precluded from establishing good moral character, but such probation, parole, or suspended sentence may be considered by the Service in determining good moral character. An application will not be approved until after the probation, parole, or suspended sentence has been completed.

(2) *Full and unconditional executive pardon—(i) Before the statutory period.* An applicant who has received a full and unconditional executive pardon prior to the beginning of the statutory period is not precluded by §316.10(b)(1) from establishing good moral character provided the applicant demonstrates that reformation and rehabilitation occurred prior to the beginning of the statutory period.

(ii) *During the statutory period.* An applicant who receives a full and unconditional executive pardon during the statutory period is not precluded by §316.10(b)(2) (i) and (ii) from establishing good moral character, provided the applicant can demonstrate that extenuating and/or exonerating circumstances exist that would establish his or her good moral character.

(3) *Record expungement—(i) Drug offenses.* Where an applicant has had his or her record expunged relating to one of the narcotics offenses under section 212(a)(2)(A)(i)(II) and section 241(a)(2)(B) of the Act, that applicant shall be considered as having been "convicted" within the meaning of §316.10(b)(2)(ii), or, if confined, as having been confined as a result of "conviction" for purposes of §316.10(b)(2)(iv).

(ii) *Moral turpitude.* An applicant who has committed or admits the commission of two or more crimes involving moral turpitude during the statutory period is precluded from establishing good moral character, even though the

8 CFR Ch. I (1-1-08 Edition)

conviction record of one such offense has been expunged.

[56 FR 50484, Oct. 7, 1991, as amended at 58 FR 49913, Sept. 24, 1993]

§316.11 Attachment to the Constitution; favorable disposition towards the good order and happiness.

(a) *General.* An applicant for naturalization must establish that during the statutorily prescribed period, he or she has been and continues to be attached to the principles of the Constitution of the United States and favorably disposed toward the good order and happiness of the United States. Attachment implies a depth of conviction which would lead to active support of the Constitution. Attachment and favorable disposition relate to mental attitude, and contemplate the exclusion from citizenship of applicants who are hostile to the basic form of government of the United States, or who disbelieve in the principles of the Constitution.

(b) *Advocacy of peaceful change.* At a minimum, the applicant shall satisfy the general standard of paragraph (a) of this section by demonstrating an acceptance of the democratic, representational process established by the Constitution, a willingness to obey the laws which may result from that process, and an understanding of the means for change which are prescribed by the Constitution. The right to work for political change shall be consistent with the standards in paragraph (a) of this section only if the changes advocated would not abrogate the current Government and establish an entirely different form of government.

(c) *Membership in the Communist Party or any other totalitarian organization.* An applicant who is or has been a member of or affiliated with the Communist Party or any other totalitarian organization shall be ineligible for naturalization, unless the applicant's membership meets the exceptions in sections 313 and 335 of the Act and §313.4 of this chapter.

§316.12 Applicant's legal incompetency during statutory period.

(a) *General.* An applicant who is legally competent at the time of the examination on the naturalization application and of the administration of the

Department of Homeland Security

§ 316.20

oath of allegiance may be admitted to citizenship, provided that the applicant fully understands the purpose and responsibilities of the naturalization procedures.

(b) *Legal incompetence.* Naturalization is not precluded if, during part of the statutory period, the applicant was legally incompetent or confined to a mental institution.

(1) There is a presumption that the applicant's good moral character, attachment, and favorable disposition which existed prior to the period of legal incompetency continued through that period. The Service may, however, consider an applicant's actions during a period of legal incompetence, as evidence tending to rebut this presumption.

(2) If the applicant has been declared legally incompetent, the applicant has the burden of establishing that legal competency has been restored. The applicant shall submit legal and medical evidence to determine and establish the claim of legal competency.

(3) The applicant shall bear the burden of establishing that any crimes committed, regardless of whether the applicant was convicted, occurred while the applicant was declared legally incompetent.

§ 316.13 [Reserved]

§ 316.14 Adjudication—examination, grant, denial.

(a) *Examination.* The examination on an application for naturalization shall be conducted in accordance with Section 335 of the Act.

(b) *Determination—(1) Grant or denial.* Subject to supervisory review, the employee of the Service who conducts the examination under paragraph (a) of this section shall determine whether to grant or deny the application, and shall provide reasons for the determination, as required under section 335(d) of the Act.

(2) *Appeal.* An applicant whose application for naturalization has been denied may request a hearing, which shall be carried out in accordance with section 336 of the Act.

§§ 316.15–316.19 [Reserved]

§ 316.20 American institutions of research, public international organizations, and designations under the International Immunities Act.

(a) *American institutions of research.* The following-listed organizations have been determined to be American Institutions of research recognized by the Attorney General:

African Medical and Research Foundation (AMREF-USA).

Albert Einstein College of Medicine of Yeshiva University (only in relationship to its research programs).

American Friends of the Middle East, Inc.
American Institutes of Research in the Behavioral Sciences (only in relationship to research projects abroad).

American Universities Field Staff, Inc.
American University, The, Cairo, Egypt.
American University of Beirut (Near East College Associations).

Arctic Institute of North America, Inc.
Armour Research Foundation of Illinois Institute of Technology.

Asia Foundation, The (formerly Committee for a Free Asia, Inc.).

Association of Universities for Research in Astronomy (AURA, Inc.), Tucson, AZ.

Atomic Bomb Casualty Commission.

Beirut University College.

Bermuda Biological Station for Research, Inc.

Bernice P. Bishop Museum of Polynesian Antiquities, Ethnology and Natural History at Honolulu, HI.

Brookhaven National Laboratory, Associated Universities, Inc.

Brown University (Department of Engineering), Providence, RI.

Buffalo Eye Bank and Research Society, Inc.
Burma Office of Robert N. Nathan Associates, Inc.

California State University at Long Beach, Department of Geological Sciences.

Carleton College (Department of Sociology and Anthropology), Northfield, MN.

Center of Alcohol Studies, Laboratory of Applied Biodynamics of Yale University.

Central Registry of Jewish Losses in Egypt.
College of Engineering, University of Wisconsin.

College of Medicine, State University of New York.

Colorado State University (Research Foundation), Fort Collins, CO.

Colorado University (International Economic Studies Center), Boulder, CO.

Columbia University (Parker School of Foreign and Comparative Law) and (Faculty of Pure Science), New York, NY.