



**U.S. Citizenship and  
Immigration Services**

## USCIS Policy Manual

Current as of March 19, 2020

### Volume 12 - Citizenship and Naturalization

#### Part J - Oath of Allegiance

#### Chapter 3 - Oath of Allegiance Modifications and Waivers

The table below serves as a quick reference guide on general requirements for oath modifications and oath waiver. The sections and paragraphs that follow the table provide further guidance on each modification and oath waiver.

#### Oath of Allegiance Modifications and Waiver

Request	Permitted Modifications to Oath	Testimony or Evidence
<b>Modified Oath for Religious or Conscientious Objections</b>	<p>Deletion of either or both of the following clauses:</p> <p>Bearing arms on behalf of the United States if required by law [INA 337(a)(5)(A)]; and</p> <p>Performing noncombatant service in the U.S. armed forces when required by law [INA 337(a)(5)(B)]</p>	<p>Must show opposition to clause (or clauses) based on religious training and belief or deeply held moral or ethical code. Applicant may provide an attestation or witness statement.</p>
<b>Affirmation of Allegiance in Lieu of Oath</b>	<p>Substitution of the words “solemnly affirm” for the words “on oath” and no recitation of the words “so help me God” [8 CFR 337.1(b)]</p>	<p>Not Required</p>
<b>Waiver of the Oath</b>	<p>Requirement to take the Oath of Allegiance may be waived</p>	<p>Evaluation by medical professional stating inability to understand (or communicate) the meaning of the oath due to a medical condition</p>

## C. Waiver of the Oath

### 1. Oath of Allegiance Waiver

#### *Oath Waiver Based on a Medical Disability*

USCIS may waive the Oath of Allegiance for an applicant who is unable to understand or to communicate an understanding of its meaning because of a physical or developmental disability or mental impairment.<sup>[11]</sup>

An applicant for whom USCIS granted an oath waiver is considered to have met the requirement of attachment to the principles of the Constitution of the United States, and be well disposed to the good order and happiness of the United States for the required period.

In order for USCIS to adjudicate a request for an oath waiver because of a medical disability, an applicant with the assistance of a legal guardian, surrogate, or designated representative must provide a written request and a written evaluation by an authorized medical professional.<sup>[12]</sup> An applicant is not required to submit a specific form to request an oath waiver.<sup>[13]</sup> USCIS accepts an oath waiver request at any point of the naturalization process.

### *Oath Waiver for Children under 14 Years of Age*

The INA permits USCIS to waive the taking of the Oath of Allegiance if USCIS determines the person is unable to understand its meaning.<sup>[14]</sup> USCIS has determined that children under the age of 14 are generally unable to understand the meaning of the oath. Accordingly, USCIS waives the oath requirement for a child younger than 14 years of age, at the time of naturalization. If USCIS waives the oath requirement, USCIS issues a Certificate of Citizenship after the officer approves the application.<sup>[15]</sup>

## **2. Legal Guardian, Surrogate, or Designated Representative**

When an applicant is unable to undergo any part of the naturalization examination because of a physical or developmental disability or mental impairment, a legal guardian, surrogate, or an eligible designated representative completes the naturalization process for the applicant. USCIS waives the Oath of Allegiance and the legal guardian, surrogate, or designated representative attests to the applicant's eligibility for naturalization.<sup>[16]</sup> In addition to oath waiver, this process may require accommodations including off-site examinations.

For USCIS to adjudicate a request for an oath waiver, an applicant with the assistance of a legal guardian, surrogate, or designated representative, must provide a written request and a written evaluation by an authorized medical professional.<sup>[17]</sup> USCIS accepts a request for the waiver at any point in the naturalization process until the time of the oath ceremony. As an accommodation, field offices should work with the legal guardian, surrogate, or designated representative before the initial examination to obtain all the necessary documentation.

When an oath waiver is provided, a legal guardian, surrogate, or designated representative<sup>[18]</sup> signs on behalf of an applicant who is unable to understand or communicate an understanding of the Oath of Allegiance because of a physical or developmental disability or mental impairment. The legal guardian, surrogate, or representative acts on behalf of an applicant with a disability at every stage of the naturalization examination. The legal guardian, surrogate, or representative files the application on behalf of the applicant and must have knowledge of the facts supporting the applicant's eligibility for naturalization.

The guardian, surrogate, or representative addresses every requirement for naturalization and bears the burden of establishing the applicant's eligibility for naturalization.

Persons eligible to act on behalf of the applicant include:

- A person who a proper court has designated as the applicant's legal guardian or surrogate and who is authorized to exercise legal authority over the applicant's affairs;<sup>[19]</sup> or
- In the absence of a legal guardian or surrogate, a U.S. citizen spouse, parent, adult son or daughter, or adult brother or sister, who is the primary custodial caregiver and who takes responsibility for the applicant.

USCIS will only recognize one designated representative in the following order of priority:<sup>[20]</sup>

- Legal guardian or surrogate (highest priority)
- U.S. citizen spouse
- U.S. citizen parent
- U.S. citizen adult son or daughter
- U.S. citizen adult brother or sister (lowest priority)

The person acting on behalf of the applicant must provide proof of legal guardianship, or documentation to establish the familial relationship, such as a birth certificate, marriage certificate, or adoption decree. In addition, the person must provide documentation to establish that he or she has the primary custodial care and responsibility for the applicant (for example, income tax returns, Social Security Administration documents, and affidavits from other relatives). A spouse, parent, adult son or daughter, or adult brother or sister who is not the legal guardian or surrogate must provide evidence of U.S. citizenship.

USCIS continues an application where the family member acting as a designated representative is not a U.S. citizen. USCIS explains to the family member why he or she is not qualified to act as a designated representative and offers the applicant an opportunity to bring another person who may qualify.

### 3. Written Evaluation

In general, USCIS requires a written evaluation to establish the applicant's inability to take the Oath of Allegiance. An applicant or designated representative requesting an oath waiver submits a written evaluation completed by a medical professional licensed to practice in the United States.

The written evaluation must:

- Be completed by the medical professional who has had the longest relationship with the applicant or is most familiar with the applicant's medical history;
- Express the applicant's medical condition and disability in terms that an officer and the designated representative can understand (except for medical definitions or terms to describe the disability);
- State why and how the applicant is unable to understand or communicate an understanding of the meaning of the Oath of Allegiance because of the disability;
- Indicate the likelihood of the applicant being able to communicate or demonstrate an understanding of the meaning of the Oath of Allegiance in the near future; and
- Be signed by the medical professional completing the written evaluation and contain his or her state license number authorizing the medical professional to practice in the United States.

USCIS will not require medical professionals to provide an explanation of how they reached their diagnosis, a listing of clinical or laboratory techniques used to reach the diagnosis, or supporting documentation to establish the claimed disability. USCIS, however, will require the medical professional to provide a thorough explanation of how the applicant's disability impairs his or her functioning so severely that the applicant is unable to demonstrate an understanding of the oath requirements or communicate an understanding of its meaning.

USCIS reserves the right to request documentation if there is a question upon examination about the applicant's disability and ability to understand the oath requirement. If USCIS approves the oath waiver, USCIS does not require the applicant to appear in a public ceremony.

### Footnotes

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11. [^] See [INA 337\(a\)](#). See [Pub. L. 106-448](#) enacted on July 12, 2000.
12. [^] For information on who is an authorized medical professional, see Part E, English and Civics Testing and Exceptions, Chapter 3, Medical Disability Exception (Form N-648), Section C, Authorized Medical Professionals [[12 USCIS-PM E.3\(C\)](#)].
13. [^] The oath waiver requirements are distinct from the requirements for the medical exception to the English and civics requirements for naturalization under [INA 312\(b\)](#), which requires an applicant to submit a medical exception form. See Part E, English and Civics Testing and Exceptions, Chapter 3, Medical Disability Exception (Form N-648) [[12 USCIS-PM E.3](#)].
14. [^] See [INA 337\(a\)](#). See [8 CFR 341.5\(b\)](#).
15. [^] See Part H, Children of U.S. Citizens [[12 USCIS-PM H](#)].
16. [^] See Chapter 3, Oath of Allegiance Modifications and Waivers [[12 USCIS-PM J.3](#)].
17. [^] For the definition of an authorized medical professional, see Part E, English and Civics Testing and Exceptions, Chapter 3, Medical Disability Exception (Form N-648), Section C, Authorized Medical Professionals [[12 USCIS-PM E.3\(C\)](#)].
18. [^] See Chapter 3, Oath of Allegiance Modifications and Waivers [[12 USCIS-PM J.3](#)].
19. [^] A legal guardian or surrogate may act on behalf of an applicant regardless of the legal guardian or surrogate's immigration status or whether he or she is a family member.
20. [^] If there is a conflict in priority between two or more persons seeking to represent the applicant, and the individuals share the same degree of familial relationship, USCIS gives priority to the person who is older.

## Legal Authorities

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[INA 332](#), [8 CFR 332](#) - Naturalization administration, executive functions

[INA 337](#), [8 CFR 337](#) - Oath of renunciation and allegiance

[INA 341, 8 CFR 341](#) - Certificates of citizenship

## Forms

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[G-28, Notice of Entry of Appearance as Attorney or Accredited Representative](#)

## Appendices

No appendices available at this time.

## Technical Update - Replacing the Term “Foreign National”

October 08, 2019

This technical update replaces all instances of the term “foreign national” with “alien” throughout the Policy Manual as used to refer to a person who meets the definition provided in INA 101(a)(3) [“any person not a citizen or national of the United States”].

[Read More](#)

### AFFECTED SECTIONS

[1 USCIS-PM - Volume 1 - General Policies and Procedures](#)

[2 USCIS-PM - Volume 2 - Nonimmigrants](#)

[6 USCIS-PM - Volume 6 - Immigrants](#)

[7 USCIS-PM - Volume 7 - Adjustment of Status](#)

[8 USCIS-PM - Volume 8 - Admissibility](#)

[9 USCIS-PM - Volume 9 - Waivers](#)

[10 USCIS-PM - Volume 10 - Employment Authorization](#)

[11 USCIS-PM - Volume 11 - Travel and Identity Documents](#)

[12 USCIS-PM - Volume 12 - Citizenship and Naturalization](#)

## Technical Update - Authorized Medical Professionals

September 26, 2018

This technical update provides clarification on the medical professionals (medical doctors, doctors of osteopathy, and

clinical psychologists) authorized to complete a written evaluation of medical condition in connection with an oath waiver request.

[Read More](#)

#### AFFECTED SECTIONS

**12 USCIS-PM J.3 - Chapter 3 - Oath of Allegiance Modifications and Waivers**

## POLICY ALERT - Modifications to Oath of Allegiance for Naturalization

July 21, 2015

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance to clarify the eligibility requirements for modifications to the Oath of Renunciation and Allegiance for naturalization.

[Read More](#)

#### AFFECTED SECTIONS

**12 USCIS-PM J.3 - Chapter 3 - Oath of Allegiance Modifications and Waivers**

## POLICY ALERT - Comprehensive Citizenship and Naturalization Policy Guidance

January 07, 2013

USCIS is issuing updated and comprehensive citizenship and naturalization policy guidance in the new USCIS Policy Manual.

[Read More](#)

#### AFFECTED SECTIONS

**12 USCIS-PM - Volume 12 - Citizenship and Naturalization**

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