



November 19, 2021

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Policy Alert

SUBJECT: Demonstrating Eligibility for Modification under Section 337 of the Immigration and Nationality Act

Purpose

U.S. Citizenship and Immigration Services (USCIS) is updating policy guidance in the [USCIS Policy Manual](#) to clarify guidance related to requests for modifications to the Oath of Allegiance.

Background

During the naturalization interview, an applicant signs the naturalization application to acknowledge the applicant's willingness and ability to take the Oath of Allegiance. An applicant may be eligible for a modification of the oath based on religious, moral, or ethical beliefs.¹ Qualification for the modification is not dependent upon membership in a particular religious group, nor does membership in a specific religious group provide an automatic modification to the oath. However, the applicant must have a sincere and meaningful belief that has a place in the applicant's life that is equivalent to that of a religious belief.² An officer must not question the validity of what an applicant believes or the existence or truth of the concepts in which the applicant believes.³

To ensure applicants have the opportunity to express their sincere and meaningful beliefs, USCIS is clarifying its process regarding circumstances where an applicant expresses a desire for an oath modification.

This update, contained in Volume 12 of the Policy Manual, is effective immediately. The guidance contained in the Policy Manual is controlling and supersedes any prior guidance on the topic.

¹ To be eligible for a modification of the oath, the applicant must demonstrate, by clear and convincing evidence, that the applicant is unwilling or unable to affirm one or both of the following clauses by reason of religious training and a belief or deeply held moral or ethical code: to bear arms on behalf of the United States when required by law, or to perform noncombatant service in the U.S. armed forces when required by law. See [INA 337\(a\)](#).

² See *Welsh v. United States*, 398 U.S. 333 (1970).

³ See *United States v. Seeger*, 380 U.S. 163 (1965): "The validity of what he believes cannot be questioned. Some theologians, and indeed some examiners, might be tempted to question the existence of the registrant's 'Supreme Being' or the truth of his concepts. But these are inquiries foreclosed to Government."

Policy Highlights

- Clarifies that officers should not conclude that an applicant is ineligible for the oath modification if the applicant fails to provide oral testimony or other evidence at the interview.
- Clarifies that if a naturalization applicant expresses a desire for a modification of the Oath of Allegiance during the naturalization interview but does not provide any oral testimony or other evidence to qualify for such modification, the officer should issue a Request for Evidence to provide the applicant an opportunity to provide testimony, a statement, or submit evidence to establish eligibility for such modification.

Citation

Volume 12: Naturalization and Citizenship, Part J, Oath of Allegiance: Chapter 3, Oath of Allegiance Modifications and Waivers [[12 USCIS-PM J.3](#)].