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Chapter 1- Purpose and Background

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A. Purpose

United States citizenship confers rights, privileges, and responsibilities that are vital to the security and safety of the United States. While the vast majority of aliens who naturalize do so lawfully and are attached to the principles of the U.S. Constitution, there are some who obtain citizenship illegally or fraudulently. Actions to revoke naturalization unlawfully obtained or obtained by fraud are an integral part of the government's means to enforce immigration and naturalization laws, deter immigration fraud, and protect the national security and public safety of the United States.

A naturalized U.S. citizen is subject to revocation of naturalization if naturalization was procured illegally or procured by willful misrepresentation or concealment of a material fact. [\[1\]](#)

U.S. citizenship may be lost in two ways: through revocation of naturalization; or by voluntarily performing certain acts with the intention to relinquish U.S.

nationality, including renunciation. [2]

1. Revocation of Naturalization

A person may lose U.S. citizenship by having their naturalization revoked through a civil proceeding [3] or following a criminal conviction for obtaining naturalization unlawfully. [4] Revocation is completed after a final order is entered in a civil or criminal judicial proceeding. [5]

2. Loss of Nationality

Under certain conditions, a U.S. citizen may voluntarily renounce or relinquish U.S. citizenship. [6] The process for voluntarily renouncing citizenship varies depending on whether the person is outside of the United States or within the United States (also referred to as “domestic renunciation”). The U.S. Department of State (DOS) considers renunciation requests involving U.S. citizens who are outside the United States. [7]

In addition, a U.S. citizen may lose U.S. citizenship by committing or performing certain acts with the intent of relinquishing or renouncing U.S. citizenship. [8]

B. Background

1. Revocation of Naturalization

In 1906, Congress adopted the Naturalization Act, which provided, “that it shall be the duty of the United States district attorneys for the respective districts, upon affidavit showing good cause therefore, 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.” [9] A similar provision continues to exist in the Immigration and Nationality Act (INA) at INA 340(a).

In 1996, the former Immigration and Naturalization Service (INS) promulgated new regulations that permitted the INS to reopen naturalization proceedings and administratively revoke naturalization under certain circumstances. [\[10\]](#) These regulations were invalidated on July 20, 2000, by the Ninth Circuit Court of Appeals in a nationwide class action lawsuit, based on a finding that former INS had no statutory authority to administratively revoke naturalization. [\[11\]](#) The regulations have since been repealed. [\[12\]](#)

2. Loss of Nationality

Specific statutory grounds for loss of citizenship by native-born or naturalized citizens (“expatriation”) were first codified in the Expatriation Act of 1907. [\[13\]](#) The Nationality Act of 1940 [\[14\]](#) introduced additional grounds for loss of U.S. citizenship, most of which were later codified in the Immigration and Nationality Act (INA) of 1952. [\[15\]](#)

Congress has since amended the INA to ensure consistency with rulings by the Supreme Court of the United States on expatriation, including the Supreme Court’s holding that an expatriating act must be performed voluntarily and with the specific intent to relinquish U.S. citizenship. [\[16\]](#)

Before World War II, there was no statutory provision permitting voluntary renunciation of U.S. citizenship within the United States. In 1944, Congress enacted the law providing for domestic renunciation of U.S. citizenship during wartime. [\[17\]](#) Although Congress passed a joint resolution on July 25, 1947, repealing “certain emergency war powers,” including the domestic renunciation provision, [\[18\]](#) domestic renunciation was reintroduced and included in the INA, as enacted in 1952. [\[19\]](#)

C. Legal Authorities

- [INA 340](#); [8 CFR 340](#) – Revocation of naturalization
- [INA 342](#); [8 CFR 342](#) – Cancellation of certificates
- [INA 349](#) – Loss of nationality by native-born or naturalized citizen

Footnotes

[^ 1] See [INA 340\(a\)](#).

[^ 2] See [INA 340](#).

[^ 3] See [INA 349](#).

[^ 4] See [INA 340\(e\)](#). See [18 U.S.C. 1425](#).

[^ 5] See [INA 340\(a\)](#) and [INA 340\(e\)](#).

[^ 6] See [INA 349](#).

[^ 7] See [INA 349\(a\)\(1\)-\(5\)](#). See [7 FAM 1200](#), Loss and Restoration of U.S. Citizenship. Under limited circumstances, USCIS may consider renunciation requests from U.S. citizens who are within the United States. See [INA 349\(a\)\(6\)](#).

[^ 8] See [INA 349](#).

[^ 9] See Section 15 of the Naturalization Act, [Pub. L. 59-338 \(PDF\)](#), 34 Stat. 596, 601 (June 29, 1906).

[^ 10] See former 8 CFR 340.1 (Oct. 28, 1996).

[^ 11] See *Gorbach v. Reno*, 219 F.3d 1087 (9th Cir. 2000).

[^ 12] See Immigration Benefits Business Transformation, Increment I, [76 FR 53804 \(PDF\)](#) (Aug. 29, 2011).

[^ 13] See [Pub. L. 59-193 \(PDF\)](#), 34 Stat. 1228 (March 2, 1907).

[^ 14] See Sections 401-410 of the Nationality Act of 1940, [Pub. L. 76-853 \(PDF\)](#), 54 Stat. 1137, 1168-1171 (October 14, 1940).

[^ 15] See Title III, Chapter 3 of the INA, [Pub. L. 82-414 \(PDF\)](#), 66 Stat. 163, 267 (June 27, 1952) (addressing loss of nationality).

[^ 16] See [INA 349\(a\)](#). See [Pub. L. 99-653 \(PDF\)](#) (November 14, 1986). See *Vance v. Terrazas*, 444 U.S. 252, 261 (1980).

[^ 17] See [Pub. L. 78-368 \(PDF\)](#), 58 Stat. 677 (July 1, 1944). See [INA 349\(a\)\(6\)](#).

[^ 18] See [Pub. L. 80-239 \(PDF\)](#), 61 Stat. 449, 454 (July 25, 1947).

[^ 19] There is no legislative history explaining the reintroduction of domestic renunciation in the INA.

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