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Chapter 2 – Revocation of Naturalization

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A. Background

Revocation of naturalization is sometimes referred to as “denaturalization.” A person’s naturalization can be revoked either by a criminal conviction or a civil proceeding.

1. Criminal Proceedings

For criminal revocation of naturalization, the U.S. Attorney’s Office files criminal charges in Federal District Court. ^[1] For criminal revocation of naturalization the burden of proof is the same as for every other criminal case, proof beyond a reasonable doubt. There is a 10-year statute of limitations for criminal denaturalization. ^[2]

2. Civil Proceedings

For civil revocation of naturalization, the U.S. Department of Justice (DOJ) must file the revocation of naturalization action in Federal District Court. [3]

The government holds a high burden of proof when attempting to revoke a person's naturalization. For civil revocation of naturalization, the burden of proof is clear, convincing, and unequivocal evidence which does not leave the issue in doubt. [4]

USCIS refers cases for civil revocation of naturalization when there is sufficient evidence to establish that the person is subject to one of the grounds of revocation.

The general grounds for civil revocation of naturalization are:

- Illegal procurement of naturalization; or
- Concealment of a material fact or willful misrepresentation.

Another ground for revocation of naturalization exists in cases where the person naturalized on or after November 23, 2003, under the military provisions. In those cases, the person may also be subject to revocation of naturalization if he or she is discharged under other than honorable conditions before serving honorably for a period or periods aggregating 5 years. [5]

3. Difference Between Revocation and Cancellation of Certificate

USCIS is authorized to cancel any Certificate of Citizenship or Certificate of Naturalization in cases where USCIS considers that the certificate itself was obtained or created illegally or fraudulently. [6] Cancellation of a certificate under this provision only cancels the certificate and does not affect the citizenship status of the alien in whose name the certificate was issued.

If someone lawfully filed an Application for Naturalization ([Form N-400](#)) and proceeded through the entire naturalization process to Oath of Allegiance, but the certificate was illegally procured or procured by concealment of a material fact or by willful misrepresentation, civil or criminal proceedings may be instituted to revoke the naturalization and the status of the person as a citizen.

Once the naturalization is revoked, the court also cancels the person's Certificate of Naturalization.

The main difference between cancellation of a certificate and revocation proceedings is that cancellation only affects the document, not the person's underlying status. For this reason, cancellation is only effective against aliens who are not citizens, either because they have not complied with the lawful naturalization process or because they did not acquire citizenship under the law, but who nonetheless have a certificate which was fraudulently or illegally obtained.

Where USCIS determines that an alien was not eligible for naturalization but nonetheless completed the naturalization process, that person is a citizen unless and until that person's citizenship is revoked pursuant to [INA 340](#).

Revocation, in this scenario, is appropriate when:

- The alien filed an Application for Naturalization ([Form N-400](#)) with USCIS; [\[7\]](#)
- The alien completed an interview with USCIS;
- The naturalization application was approved by USCIS; and
- The alien took the Oath of Allegiance for naturalization.

By contrast, an alien who illegally or fraudulently obtained a Certificate of Naturalization without completing the naturalization process was never properly naturalized by USCIS and is not a citizen of the United States. While the alien has a certificate, the fraudulent certificate in and of itself, does not confer the status of U.S. citizenship. [\[8\]](#)

In such cases, USCIS can initiate proceedings to cancel the Certificate of Naturalization. [\[9\]](#) Because the alien holding this certificate did not obtain citizenship based on a lawful USCIS process, the alien maintains whatever immigration status he or she had prior to obtaining the illegally or fraudulently obtained certificate. USCIS may then initiate criminal and removal proceedings as appropriate. [\[10\]](#)

B. Grounds for Revocation of Naturalization

In general, a person is subject to revocation of naturalization based on the grounds listed below. It is important to note that the government generally cannot initiate revocation of naturalization proceedings against an individual who was eligible for naturalization when it was granted but committed crimes after naturalization.

1. Person Procures Naturalization Illegally

A person is subject to revocation of naturalization if he or she procured naturalization illegally. Procuring naturalization illegally simply means that the person was not eligible for naturalization. Accordingly, any eligibility requirement for naturalization that was not met can form the basis for an action to revoke the naturalization of a person. This includes the requirements of residence, physical presence, lawful admission for permanent residence, good moral character, attachment to the principles of the U.S. Constitution, and being well disposed to the good order and happiness of the United States. [\[11\]](#)

Discovery that a person failed to comply with any of the requirements for naturalization at the time the person became a U.S. citizen renders his or her naturalization illegally procured. This applies even if the person is innocent of any willful deception or misrepresentation. [\[12\]](#)

2. Concealment of a Material Fact or Willful Misrepresentation

A person is subject to revocation of naturalization if that person willfully misrepresented or concealed a material fact or facts on his or her naturalization application or subsequent examination. [\[13\]](#)

In general, a person is subject to revocation of naturalization on this basis if:

- The alien misrepresented or concealed some fact;

- The misrepresentation or concealment was willful;
- The misrepresented or concealed fact or facts were material; and
- The naturalized U.S. citizen procured citizenship as a result of the misrepresentation or concealment. [\[14\]](#)

This ground of revocation includes omissions as well as affirmative misrepresentations. The misrepresentations can be oral testimony provided during the naturalization interview, can include information contained on the application submitted by the alien, or in documentation submitted in support of the application. Materiality is determined by assessing whether the misrepresentations or concealment had a tendency to affect the decision. It is not necessary that the information, if disclosed, would have precluded naturalization. [\[15\]](#)

3. Membership or Affiliation with Certain Organizations

A person is subject to revocation of naturalization if the person becomes a member of, or affiliated with, any organization that would bar naturalization under INA 313 within 5 years after his or her naturalization. [\[16\]](#) These organizations include Communist parties, other totalitarian parties, or organizations that advocate or teach the unconstitutional overthrow of the U.S. government, the unlawful assaulting or killing of government officers, the unlawful damage, injury, or destruction of property, or sabotage. [\[17\]](#)

In general, a person who is involved with such organizations cannot establish the naturalization requirements of having an attachment to the principles of the U.S. Constitution and of being well-disposed to the good order and happiness of the United States. [\[18\]](#)

The fact that a person becomes involved with such an organization within 5 years after the date of naturalization is prima facie evidence that he or she was not attached to the principles of the U.S. Constitution at the time of naturalization and was not well disposed to the good order and happiness of the United States at the time of naturalization. Additionally, such membership

or affiliation is sufficient to authorize revocation of naturalization as having been obtained by concealment of a material fact or willful misrepresentation.

4. Other than Honorable Discharge before 5 years of Honorable Service after Naturalization

A person is subject to revocation of naturalization if:

- The person became a U.S. citizen through naturalization on or after November 23, 2003 on the basis of honorable service in the U.S. armed forces; [\[19\]](#)
- The person subsequently separates from the U.S. armed forces under other than honorable conditions; and
- The other than honorable discharge occurs before the person has served honorably for a period or periods aggregating at least 5 years. [\[20\]](#)

USCIS coordinates with the Department of War [\[21\]](#) to obtain information related to such discharges from the armed forces.

C. Referral of Naturalization Cases for Revocation

There are two distinct ways a person's naturalization can be revoked in district courts: through civil revocation under [INA 340](#) or following a criminal conviction for procurement of naturalization unlawfully under [18 U.S.C. 1425](#). [\[22\]](#) While both paths result in revocation of naturalization, a civil revocation may occur at any point after an individual naturalizes as there is no statute of limitations. [\[23\]](#) There is a 10-year statute of limitations for criminal denaturalization. [\[24\]](#) However, criminal denaturalization cases that have passed the 10-year statute of limitations may be referred for civil denaturalization.

Consistent with its existing authority, USCIS may refer potential cases for revocation of naturalization where there is sufficient evidence the person unlawfully naturalized. [\[25\]](#)

1. Identification and Referral Process

USCIS may identify cases that potentially warrant revocation of naturalization through:

- An officer's case review, examination, or investigation. "Case review" here includes review of an Alien Registration File (A-File), including any application, petition, hearing, or other proceeding before USCIS, such as a Petition for Alien Relative ([Form I-130](#)), Application for Certificate of Citizenship ([Form N-600](#)), Application for Citizenship and Issuance of Certificate Under Section 322 ([Form N-600K](#)), or any other petition and application where U.S. citizenship is an eligibility criterion;
- Automated enhanced screening tools aimed at detecting fraud, national security, and public safety concerns;
- A USCIS Headquarters (HQ) or DHS review or investigation; or
- Another agency's request for review and investigation, including the U.S. Department of State (DOS), and other DHS agencies.

2. Prioritization of Naturalization Cases for Revocation

USCIS prioritizes the referral of the following cases to U.S. Immigration and Customs Enforcement (ICE) for consideration of revocation of naturalization and if applicable, criminal prosecution:

- Cases against individuals who pose a potential danger to national security, [\[26\]](#) including those with a nexus to terrorism, espionage, [\[27\]](#) or the unlawful export from the United States of sensitive goods, technology, or information raising national security concerns;
- Egregious public safety (EPS) cases; [\[28\]](#)
- Cases against individuals who engaged in torture, [\[29\]](#) war crimes, [\[30\]](#) or other human rights violations, including, but not limited to, ordering, inciting, assisting, or otherwise participating in:
 - The persecution of others; [\[31\]](#)

- Extrajudicial killings, torture, or genocide; [32]
- Use or recruitment of child soldiers; [33]
- Female genital mutilation; [34] or
- Particularly severe violations of religious freedom. [35]
- Cases against individuals who further or furthered the unlawful enterprise of criminal gangs, [36] transnational criminal organizations, [37] and drug cartels; [38]
- Cases identified through INTERPOL Hits; [39]
- Cases against individuals who committed felonies that were not disclosed during the naturalization process; [40]
- Cases against individuals who committed human trafficking, [41] sex offenses, [42] or violent crimes; [43]
- Cases against individuals who engaged in various forms of financial fraud against the United States (including Paycheck Protection Program (PPP) loan fraud and Medicaid/Medicare fraud);
- Cases against individuals who engaged in fraud against private individuals, funds, or corporations;
- Cases against individuals who acquired naturalization through government corruption, fraud, or material misrepresentations;
- Cases in which the person is or was a member of or affiliated with any organization prohibited under INA 313, or in which the person takes actions falling under INA 313 prohibitions that do not meet the criminal referral standard; [44]
- Cases in which the person is convicted of contempt for refusing to testify as a witness before a congressional committee regarding his or her subversive activities; [45]
- Cases in which the person has provided a false identity to the U.S. government; [46]
- Cases that involve false claim to U.S. citizenship; [47]

- Cases that involve unlawfully voting in U.S. elections prior to naturalization; [\[48\]](#) and
- Marriage fraud cases. [\[49\]](#)

USCIS may also refer cases directly to the Department of Justice’s Office of Immigration Litigation (OIL) that ICE has declined [\[50\]](#) or criminal cases that are past the 10-year statute of limitations. [\[51\]](#)

3. Documentation for Referrals

The following table is a non-exhaustive list of examples of records that may be examined and provided as part of the referral to either ICE or OIL to determine if a case meets the requisite evidentiary requirements for revocation of naturalization.

Common Examples of Records to Review to Support Revocation of Naturalization

Statutory Ground	Types of Records
Good Moral Character (GMC) – Unlawful Act	• Arrest records • Court dispositions • Video-taped interview • Affidavits or sworn statements
Marital Union	• Marriage and divorce records • Video-taped interview • Affidavits or sworn statements • Social media identifiers and associated social media platforms

Membership (including INA 313)	• Membership documents • Video-taped interview • Affidavits or sworn statements • Social media identifiers and associated social media platforms • News reports or articles
Not Lawfully Admitted for Permanent Residence	• Entry documents • Video-taped interview • Affidavits or sworn statements
False Identity	• DNA report • Biometrics comparison • Video-taped interview • Affidavits or sworn statements

4. Government's Burden of Proof

In matters involving revocation of naturalization, the government has a high burden of proof when seeking revocation of a person's naturalization. The burden of proof that applies in civil revocation is clear, convincing, and unequivocal evidence, which does not leave the issue in doubt. [\[52\]](#) By comparison, the burden of proof for criminal revocation is proof beyond a reasonable doubt. [\[53\]](#)

The following table provides examples of revocation of naturalization cases and the grounds for referral:

Grounds for Referral	Example Decisions
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Illegal procurement and material misrepresentation – Marital union	• <i>United States v. Mohalla</i>, 545 F.Supp.2d 1035 (C.D. Cal. 2008) (not living in marital union with citizen spouse and false testimony provided during interview, misrepresentation made in application and at time of ceremony). • <i>U.S. v. Zgrebec</i>, 38 F.Supp. 127, 129 (E.D. Mich. 1941) (had two “wives,” bigamy and lacked good moral character).
Illegal procurement and material misrepresentation – Ineligible for Displaced Person’s Act or Refugee Relief Act as person was involved with the Nazi government between March 23, 1933 and May 8, 1945.	• <i>Fedorenko v. U.S.</i>, 449 U.S. 490 (1981) (concentration camp armed guard). • <i>U.S. v. Friedrich</i>, 402 F.3d 842 (8th Cir. 2005) (concentration camp armed guard of Germany’s SS). • <i>U.S. v. Reimer</i>, 356 F.3d 456 (2nd Cir. 2004) (citizen’s actions during WWII amounted to “assistance in persecution”). • <i>United States v. Dailide</i>, 316 F.3d 611 (6th Cir. 2003) (former member of the Lithuanian police organization that aided the Nazis in exterminating the Jewish population during WWII). • <i>United States v. Szebinskyj</i>, 277 F.3d 331 (3rd Cir. 2002) (an armed guard in a Nazi concentration camp).

	• <i>United States v. Tittjung</i>, 235 F.3d 330 (7th Cir. 2000) (armed guard at the Mauthausen concentration camp). • <i>United States v. Firishchak</i>, 468 F.3d 1015 (7th Cir. 2006) (service in the Ukrainian Auxiliary Police during Nazi occupation during World War II).
Illegal procurement and material misrepresentation – Ineligible for visa; Fraudulent document	• <i>United States v. Tarango-Pena</i>, 173 F.Supp.2d 588 (E.D. Tex. 2001) (citizen obtained immigrant visa based on his alien wife's fraudulent U. S. birth certificate).
Illegal procurement and material misrepresentation – Lack of continuous residence	• <i>U.S. v. Beda</i>, 118 F.2d 458 (2nd Cir. 1941), and <i>U.S. v. Cantini</i>, 212 F. 925 (3rd Cir. 1914) (lack of continuous residence in the United States).
	• <i>United States v. Gkanios</i>, 536 Fed. Appx. 854 (11th Cir. 2013) (rape and sodomy of underage stepdaughter). • <i>United States v. Suarez</i>, 664 F.3d 655 (7th Cir. 2011) (two controlled substance offenses). • <i>United States v. Santacruz</i>, 563 F.3d 894 (9th Cir. 2009) (CIMT conviction after plea for possession of child pornography under 18 U.S.C.

Illegal procurement and material misrepresentation – Lack of good moral character (GMC), commission of criminal acts during statutory period and conviction after naturalization.

2252A(a)(5)(B) where charges were filed before the naturalization interview and conviction occurred after naturalization).

- *United States v. Dang*, 488 F.3d 1135 (9th Cir. 2007) (conviction of arson, willful injury to a child, filing a false report of a criminal offense, and two counts of insurance fraud).
- *U.S. v. Jean-Baptiste*, 395 F.3d 1190 (11th Cir. 2005) (drug offense).
- *U.S. v. Mwalumba*, 688 F.Supp.2d 565 (N.D. Tex. 2010) (three crimes involving moral turpitude).
- *United States v. Ekin*, 214 F.Supp.2d 707 (S.D. Tex. 2002) (convicted of aggravated felony - aggravated sexual assault of a child).
- *United States v. Okeke*, 671 F. Supp.2d 744 (D. Md. 2009) (convicted of two counts of fourth degree sex offense and one count of battery related to sexual assault of an eleven-year-old child).
- *U.S. v. Rubalcava Gonzales*, 179 F.Supp.3d 917 (E.D. Mo. 2016) (convicted of felony child molestation).
- *U.S. v. Teng Jiao Zhou*, 815 F.3d 639 (9th Cir. 2016) (convicted of robbery and false imprisonment).
- *United States v. Ruiz*, No. 11-CV-

	02040-JAR-DJW, 2011 WL 4452523 (D. Kan. Sept. 26, 2011) (unreported) (convicted of aggravated assault with a deadly weapon and aggravated sexual battery (aggravated felony crimes of violence)). • <i>United States v. Ledesma</i>, 33 F.Supp.3d 734 (S.D. Tex. Mar. 29, 2012) (convicted of possession with intent to distribute more than 100 kilograms of marijuana).
Illegal procurement – No lawful admission as a lawful permanent resident (LPR) (principal fraud)	• <i>U.S. v. Young Kwon Son</i>, No. 08-CV-11025_RGS, 2010 WL 1460230 (D. Mass. April 13, 2010) (unpublished) (obtained lawful permanent resident (LPR) status as the derivative child of a person who obtained LPR status through bribery of an INS official). • <i>United States v. Kaur</i>, No. 11-3868, 2014 WL 285077 (E.D. Pa. Jan. 27, 2014) (unpublished) (obtained status as a derivative asylee, and subsequently adjusted status as an asylee, based on husband's grant of asylum, which was later rescinded for fraud and lack of jurisdiction).
	• <i>United States v. Almallah</i>, 244 Fed. Appx. 584 (5th Cir. 2007)

Illegal procurement and material misrepresentation –
Fraudulent marriage

(unpublished) (obtained LPR status through marriage fraud).

- *United States v. Arango*, No. 09-cv-178, 2014 WL 7179578 (D. Ariz. Dec. 17, 2014) (unpublished) (obtained LPR status through a sham marriage).

Under very limited circumstances, USCIS may consider prosecutorial discretion [\[54\]](#) for cases where USCIS inadvertently approved the naturalization application before the alien had met the required periods of continued residence or physical presence, the alien was otherwise eligible for naturalization, and there are no other legal grounds for denaturalization.

5. Process for Referral for Revocation Action

Each case is reviewed to determine whether a request for additional information, evidence, or further action is needed. If an officer encounters a case that appears to meet one of the grounds for revocation of naturalization, [\[55\]](#) either civilly or criminally, the officer should consult with a supervisor and the Office of Chief Counsel (OCC) for next steps, which may include whether to refer the case to the Fraud Detection and National Security Directorate for further investigation.

If USCIS determines that a case meets the evidentiary threshold for revocation of naturalization, the case may be referred to ICE for criminal or civil revocation. If a USCIS referral to ICE is declined, USCIS may refer the case directly to DOJ if the case meets DOJ's prioritization guidelines for revocation action.

D. Effects of Revocation of Naturalization

1. Effective Date of Revocation of Naturalization

The revocation of a person's U.S. citizenship obtained through naturalization is effective as of the original date of naturalization. ^[56] The person returns to the immigration status he or she held before becoming a U.S. citizen as of the date of naturalization shown on the person's Certificate of Naturalization and is entitled to receive proof of their status. ^[57]

In certain circumstances, the citizenship of the alien's spouse or child may also be affected by the revocation of naturalization. ^[58] All petitions and applications, including those filed for and by their beneficiaries, connected to the person whose U.S. citizenship was revoked, are subject to review and possible denial.

2. USCIS Actions after Revocation of Naturalization

Notification to Other Agencies

After the court issues an order revoking naturalization, USCIS also notifies:

- Immigration and Customs Enforcement (ICE);
- Department of State (DOS); and
- Other federal and state agencies, as appropriate. ^[59]

Annotating Revocation in USCIS Records

In the event of revocation of naturalization, USCIS updates all necessary systems to remove any record of citizenship status and indicate the person has no citizenship-based right to lawfully reside in the United States.

USCIS then reviews any pending or previously approved forms filed on behalf of any alien beneficiary by the denaturalized person ^[60] to assess whether the alien beneficiary is eligible or was eligible for the benefit, and takes steps,

including denying the benefit or initiating any necessary action such as revocation, termination, or rescission of the benefit.

Cancellation of Certificate of Naturalization

If a court revokes a person's U.S. citizenship obtained through naturalization, the court enters an order revoking the person's naturalization and cancelling the person's Certificate of Naturalization.

In such cases, the person must surrender his or her Certificate of Naturalization. [\[61\]](#) Once USCIS obtains the court's order revoking citizenship and cancelling the certificate, USCIS updates its records, including electronic records, and notifies the Department of State of the person's revocation of naturalization.

All cases relating to cancellation of certificates should be coordinated through the USCIS Office of the Chief Counsel office with jurisdiction. [\[62\]](#)

E. Effects of Civil Revocation on Citizenship of Certain Spouses and Children

The spouse or child of a person whose citizenship has been revoked cannot subsequently apply for naturalization or a certificate of citizenship on the basis that he or she is the spouse or child of that alien. [\[63\]](#)

In addition, the citizen spouse or citizen child of an alien whose citizenship has been revoked may lose his or her citizenship upon the parent or spouse's revocation of naturalization. [\[64\]](#) This depends on the basis of the revocation, and in some cases, on whether the spouse or child resides in the United States at the time of the revocation.

In cases where the spouse or child loses his or her citizenship, the spouse or child loses any right or privilege of U.S. citizenship which he or she has, may have, or may acquire through the parent's or spouse's naturalization. The spouse or child returns to the status that he or she had before becoming a U.S.

citizen. [\[65\]](#) The table below provides a general reference for loss of citizenship of the spouse and child.

Loss of Citizenship of Spouse or Child Based on Revocation of Citizenship of Spouse or Parent

Basis for Revocation of Naturalization of Parent or Spouse	Did the spouse or child become a U.S. citizen based on the status of the individual whose naturalization was revoked?	Is the spouse or child's citizenship lost?
Concealment of Material Fact or Willful Misrepresentation [66]	Yes	Yes
Membership or Affiliation with Certain Organizations [67]	Yes	Yes, if the spouse or child is residing outside of the United States at the time of revocation.
Other than Honorable Military Separation [68]	Yes	Yes, if the spouse or child is residing outside of the United States at the time of revocation.
Illegal procurement of	Yes	No

naturalization [69]		
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The citizenship of a spouse or child who became a U.S. citizen through the naturalization of his or her parent or spouse is lost if the revocation of the spouse or parent was based on concealment of material fact or willful misrepresentation regardless of whether the spouse or child is residing in the United States or outside the United States at the time of the revocation of naturalization. [\[70\]](#)

The citizenship of a spouse or child who became a U.S. citizen through the naturalization of his or her parent or spouse is not lost if the revocation of the spouse or parent was based on illegal procurement of naturalization regardless of whether the spouse or child is residing in the United States or outside the United States at the time of the revocation of naturalization. [\[71\]](#)

If the spouse's or parent's revocation was based on becoming a member of certain organizations after naturalization or for separating from the military under other than honorable conditions before serving honorably for 5 years, then the spouse or child of a person whose U.S. citizenship is revoked loses his or her U.S. citizenship if the spouse or child is residing outside of the United States at the time of revocation. [\[72\]](#)

For criminal denaturalization, the effects on spouses and children are generally specified in the denaturalizing court's order or a settlement agreement, if applicable. [\[73\]](#)

Footnotes

[\[^ 1\]](#) A criminal conviction under [18 U.S.C. 1425](#) results in revocation of naturalization under [INA 340\(e\)](#).

[\[^ 2\]](#) See [18 U.S.C. 1425](#) and [18 U.S.C. 3291](#).

[\[^ 3\]](#) See [INA 340\(a\)](#).

[\[^ 4\]](#) See *Kungys v. United States*, 485 U.S. 759, 767 (1988).

[^ 5] See [INA 328\(f\)](#) and [INA 329\(c\)](#).

[^ 6] See [INA 342](#). See Part K, Certificates of Citizenship and Naturalization, Chapter 5, Cancellation of Certificate of Citizenship and Naturalization [[12 USCIS-PM K.5](#)].

[^ 7] When using the term USCIS, this includes legacy Immigration and Naturalization Service (INS). For more information on USCIS general policies and procedures, see Volume 1, General Policies and Procedures, Part A, Public Services, Chapter 1, Purpose and Background, Section B, Background [[1 USCIS-PM A.1\(B\)](#)].

[^ 8] See [Matter of Zhang](#), 27 I&N Dec. 569, 573-74 (BIA 2019). (The certificate itself does not confer U.S. citizenship and in a case where the person simply bought a certificate, USCIS had the authority to cancel the certificate under INA 342 because he did not go through the entire naturalization process).

[^ 9] See [INA 342](#).

[^ 10] See [Issuance of Notices to Appear \(NTAs\) in Cases Involving Inadmissible and Deportable Aliens \(PDF, 345.39 KB\)](#), PM-602-0187, issued February 28, 2025.

[^ 11] See [INA 316](#).

[^ 12] See [INA 340\(a\)](#).

[^ 13] See [INA 340\(a\)](#).

[^ 14] See *Kungys v. United States*, 485 U.S. 759, 767 (1988).

[^ 15] See *Kungys v. United States*, 485 U.S. 759, 767 (1988).

[^ 16] See [INA 340\(c\)](#).

[^ 17] See [INA 313](#). For more information about membership in certain organizations, see Part D, General Naturalization Requirements, Chapter 7, Attachment to the Constitution, Section D, Membership in Certain Organizations [[12 USCIS-PM D.7\(D\)](#)].

[^ 18] See [INA 316\(a\)\(3\)](#). See Part D, General Naturalization Requirements [[12 USCIS-PM D](#)].

[^ 19] See [INA 328\(a\)](#) and [INA 329\(a\)](#). See Part I, Military Members and Their Families [[12 USCIS-PM I](#)].

[^ 20] See [INA 328\(f\)](#) and [INA 329\(c\)](#).

[^ 21] Formerly the U.S. Department of Defense. Executive Order 14347, Restoring the United States Department of War, [90 FR 43893](#) (Sept. 5, 2025), restored the Department of Defense's name to the Department of War.

[^ 22] See [INA 340\(a\)](#) and [INA 340\(e\)](#).

[^ 23] See [INA 340](#). See *United States v. Phatthey*, 943 F.3d 1277 (9th Cir. 2019).

[^ 24] See [18 U.S.C. 1425](#) and [18 U.S.C. 3291](#).

[^ 25] See [INA 340\(a\)](#). See [8 CFR 340.2](#).

[^ 26] National security concerns including cases involving Terrorism-Related Inadmissibility Grounds (TRIG) in [INA 212\(a\)\(3\)\(A\)](#), [INA 212\(a\)\(3\)\(B\)](#) and [INA 212\(a\)\(3\)\(F\)](#). See [INA 237\(a\)\(4\)\(A\)](#), [INA 237\(a\)\(4\)\(B\)](#) (corresponding grounds of deportability).

[^ 27] See [INA 212\(a\)\(3\)\(A\)](#) and [INA 237\(a\)\(4\)\(A\)\(i\)](#).

[^ 28] An EPS case involves an alien who is under any investigation for, or has been arrested for (without disposition), or convicted of an aggravated felony as defined by [INA 101\(a\)\(43\)](#), known or suspected human rights violators, or known or suspected to be gang members, non-designated Transnational Criminal Organization (TCO), and suspected human traffickers. This includes an alien where an INTERPOL Notice or Wanted Person Diffusion has been issued.

[^ 29] See [18 U.S.C. 2340](#). For more information on torture or extrajudicial killings, see Part F, Good Moral Character, Chapter 4, Permanent Bars to Good Moral Character, Section C. Persecution, Genocide, Torture, or Severe Violations of Religious Freedom, Subsection 3, Torture or Extrajudicial Killings [[12 USCIS-PM F.4\(C\)\(3\)](#)].

[^ 30] See [18 U.S.C. 2441\(c\)](#) (defining war crime).

[^ 31] Aliens who persecuted others as described in [INA 101\(a\)\(42\)\(B\)](#), [INA 212\(a\)\(2\)\(G\)](#), [INA 212\(a\)\(3\)\(E\)](#), [INA 212\(a\)\(3\)\(G\)](#), [INA 237\(a\)\(4\)\(D\)](#), [INA 237\(a\)\(4\)\(E\)](#), and [INA 237\(a\)\(4\)\(F\)](#).

[^ 32] See [28 U.S.C. 1350 \(Note\)](#) (defining extrajudicial killing). See Section 3(a) of the Torture Victim Protection Act of 1991. See [18 U.S.C. 2340\(1\)](#) (defining torture). For more information on extrajudicial killings, torture, or genocide, see Part F, Good Moral Character, Chapter 4, Permanent Bars to Good Moral Character, Section C. Persecution, Genocide, Torture, or Severe Violations of Religious Freedom, Subsection 2, Genocide [[12 USCIS-PM F.4\(C\)\(2\)](#)] and Subsection 3, Torture or Extrajudicial Killings [[12 USCIS-PM F.4\(C\)\(3\)](#)].

[^ 33] See The Child Soldiers Accountability Act of 2008, [Pub. L. 110-340 \(PDF\)](#), 122 Stat. 2735 (October 3, 2008). See [18 U.S.C. 2442](#).

[^ 34] See [18 U.S.C. 116](#) (defining female genital mutilation).

[^ 35] See [INA 101\(f\)\(9\)](#) and [INA 212\(a\)\(2\)\(G\)](#). For more information on particularly severe violations of religious freedom, see Part F, Good Moral Character, Chapter 4, Permanent Bars to Good Moral Character, Section C, Persecution, Genocide, Torture, or Severe Violations of Religious Freedom, Subsection 4, Particularly Severe Violations of Religious Freedom [[12 USCIS-PM F.4\(C\)\(4\)](#)].

[^ 36] For more information about violent gangs, see the U.S. Department of Justice (DOJ)'s [About Violent Gangs](#) webpage.

[^ 37] See [21 U.S.C. 2341\(5\)](#) (defining transnational criminal organization).

[^ 38] Also referred to as a narcotics trafficking organization or drug trafficking organizations (DTOs). See [21 U.S.C. 1907\(3\)](#) (defining narcotics trafficking).

[^ 39] While this category is EPS, INTERPOL cases require special steps.

[^ 40] See [INA 101\(f\)\(6\)](#). See [8 CFR 316.10\(b\)\(2\)\(vi\)](#). (An applicant who gives false testimony to obtain any immigration benefit during the statutory period cannot establish good moral character.). See *Kungys v. United States*, 485 U.S.

759, 767 (1988).

[^ 41] See the Trafficking and Violence Protection Act (TVPA) of 2000, [Pub. L. 106-386 \(PDF\)](#), 114 Stat. 1464, 1470 (October 28, 2000), codified at [22 U.S.C. 7101](#). See [18 U.S.C. 1581-1592](#), [22 U.S.C. 7102\(11\)\(A\)](#), and [22 U.S.C. 7102\(11\)\(B\)](#).

[^ 42] See [34 U.S.C. 20911\(5\)\(A\)](#). See *United States v. Okeke*, 671 F.Supp.2d 744 (D. Md. 2009).

[^ 43] See [18 U.S.C. 16](#).

[^ 44] See [INA 313](#). For more information on membership or affiliation with certain organizations, see Part D, General Naturalization Requirements, Chapter 7, Attachment to the Constitution, Section D, Membership in Certain Organizations [[12 USCIS-PM D.7\(D\)](#)].

[^ 45] See [INA 340\(a\)](#). See [INA 313](#).

[^ 46] See [18 U.S.C. 1015](#).

[^ 47] See [18 U.S.C. 1015\(e\)](#).

[^ 48] See [18 U.S.C. 611](#) (voting by aliens in federal elections is unlawful). For more information on false claim to U.S. citizenship and unlawful voting, see Part F, Good Moral Character, Chapter 5, Conditional Bars for Acts in Statutory Period, Section M, False Claim to U.S. Citizenship, Unlawful Voter Registration, and Unlawful Voting [[12 USCIS-PM F.5\(M\)](#)].

[^ 49] See the Immigration Marriage Fraud Amendments (IMFA) of 1986, [Pub. L. 99-639 \(PDF\)](#), 100 Stat. 3537 (November 10, 1986).

[^ 50] Cases may have a declination letter from ICE of inability to take the case.

[^ 51] See [18 U.S.C. 3291](#).

[^ 52] See *Kungys v. United States*, 485 U.S. 759, 767 (1988). See *Klapprott v. United States*, 335 U.S. 601, 612 (1949) (for denaturalization, “the burden is substantially identical with that required in criminal cases – proof beyond a reasonable doubt.”).

[^ 53] See *In re Winship*, 397 U.S. 358 (1970). See *Patterson v. New York*, 432 U.S. 197 (1977).

[^ 54] Prosecutorial discretion is a decision to enforce or not enforce the law against someone. Prosecutorial discretion is exercised when an agency makes a decision with respect to enforcing the law. USCIS, along with other DHS agencies such as U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection, has the authority to exercise prosecutorial discretion related to immigration enforcement actions it may take. Prosecutorial discretion does not decrease USCIS' commitment to enforcing the immigration laws. Rather, it is a means to use agency resources in a way that best accomplishes the mission of administering and enforcing the immigration laws of the United States.

[^ 55] For more information on grounds for revocation of naturalization, see Section B, Grounds for Revocation of Naturalization [[12 USCIS-PM L.2\(B\)](#)].

[^ 56] See [INA 340\(a\)](#).

[^ 57] See [INA 264\(d\)](#).

[^ 58] For more information on the effects of revocation on the citizenship of spouse or children, see Section E, Effects of Civil Revocation on Citizenship of Certain Spouses and Children [[12 USCIS-PM L.2\(E\)](#)].

[^ 59] This includes the Social Security Administration (SSA) and applicable State's Secretary of State.

[^ 60] Including review of a Petition for Alien Relative ([Form I-130](#)), Application for Certificate of Citizenship ([Form N-600](#)), Application for Citizenship and Issuance of Certificate Under Section 322 ([Form N-600K](#)), or other petitions and applications where U.S. citizenship is an eligibility criterion.

[^ 61] See [INA 340\(f\)](#).

[^ 62] See Part K, Certificates of Citizenship and Naturalization, Chapter 5, Cancellation of Certificate of Citizenship or Naturalization [[12 USCIS-PM K.5](#)].

[^ 63] See *Rosenburg v. United States*, 60 F.2d 475 (3rd Cir. 1932).

[^ 64] See [INA 340\(d\)](#). USCIS counsel should be contacted in all cases involving possible loss of citizenship by spouses or children of a person whose naturalization has been revoked.

[^ 65] Officers should consult with local USCIS counsel in any cases involving a spouse's or child's revocation of citizenship under this provision.

[^ 66] See [INA 340\(a\)](#) and [INA 340\(d\)](#).

[^ 67] See [INA 340\(c\)](#) and [INA 340\(d\)](#). See Part D, General Naturalization Requirements [[12 USCIS-PM D](#)].

[^ 68] See [INA 328\(f\)](#) and [INA 329\(c\)](#). See Part I, Military Members and their Families [[12 USCIS-PM I](#)].

[^ 69] See [INA 340\(a\)](#) and [INA 340\(d\)](#).

[^ 70] See [INA 340\(a\)](#) and [INA 340\(d\)](#).

[^ 71] See [INA 340\(d\)](#).

[^ 72] See [INA 340\(d\)](#).

[^ 73] Please consult with USCIS counsel to determine the effects of criminal revocation on the citizenship of certain spouse and children.

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