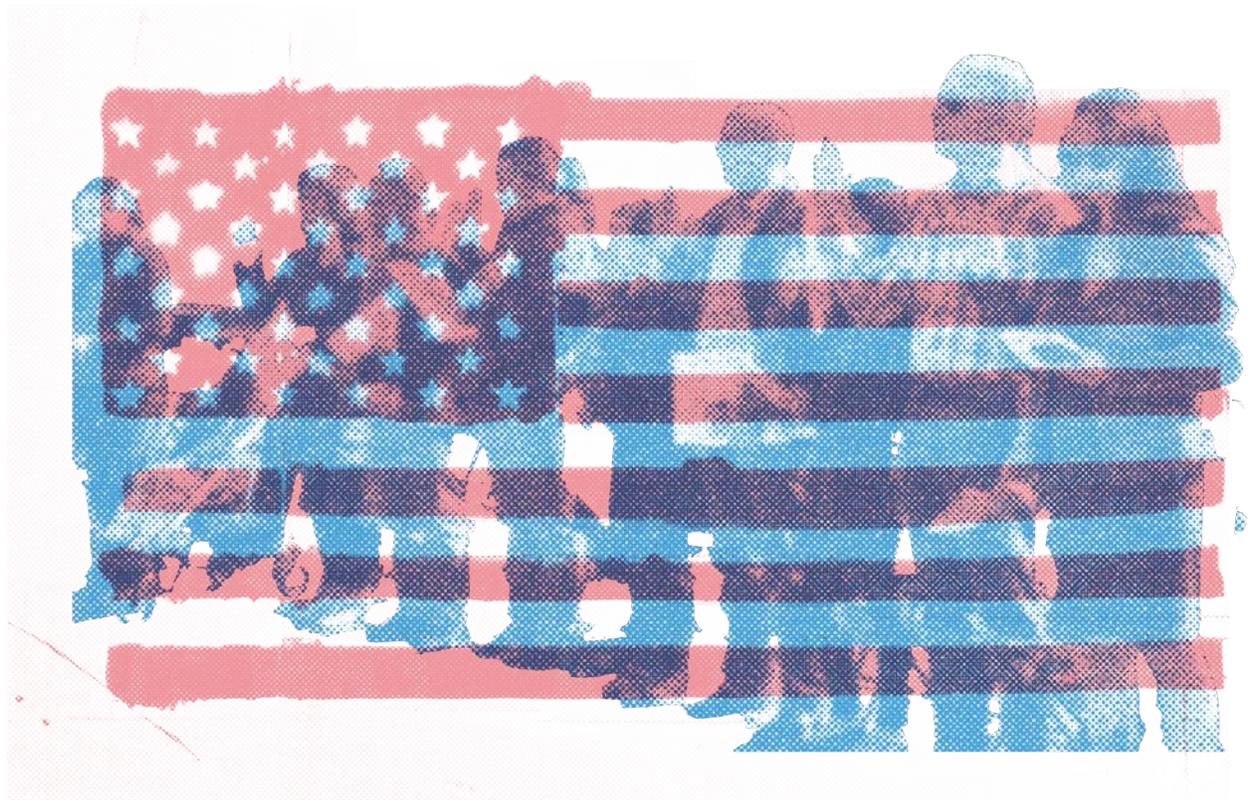


A short guide to **Denaturalization**



MUSLIM 
ADVOCATES

The information contained in this packet is provided for educational purposes only and not as part of an attorney-client relationship. It is not a substitute for legal advice tailored to your specific circumstances.

Denaturalization is the process by which the federal government can take away a naturalized citizen's citizenship.

Denaturalized immigrants **return to the status they had before becoming American citizens.**

- **For example:** if the citizen targeted was a Lawful Permanent Resident (LPR), they would be an LPR again.
- **But:** if the denaturalized immigrant did not have legal status or was involved in a crime during their time in the United States, the process could lead to **deportation.**



Only naturalized citizens can be denaturalized.

The government can pursue denaturalization through **civil** or **criminal** proceedings in federal court.

Denaturalization cases are conducted by the U.S. Department of Justice (DOJ).

Civil Cases

A person may have their U.S. citizenship taken away in a civil case if the government can **prove by clear, convincing, and unequivocal evidence** that the person obtained their naturalization **illegally** or by **concealment of material fact** or by **willful misrepresentation**.

Criminal Cases

In a criminal case, a person may have their citizenship taken away if the government can **prove beyond a reasonable doubt** that the person obtained their naturalization **illegally** or by **concealment of material fact** or by **willful misrepresentation**.

Denaturalization requires the U.S. Department of Justice to show in court that your citizenship was secured in one of three ways:

Illegally procured

A person falsely represented to the government in their naturalization process that they met the requirements of citizenship when they did not.

The false representation need not have been intentional to lead to denaturalization.

For example, a person may claim to meet the threshold of “good moral character” on their naturalization application even though they have certain disqualifying crimes on their record.

Procured by Concealment of Material Fact

A person purposefully withheld information in the naturalization process that could make it more likely that they would be found ineligible for citizenship.

This material fact must have had the “natural tendency” to affect the Immigration and Naturalization Service’s (INS) decisionmaking.

Willful Misrepresentation of Material Fact

A person purposefully provided misleading information in the naturalization process to better their chances of obtaining citizenship.

This material fact must have had the “natural tendency” to affect INS’ decisionmaking.

Ideological Denaturalization

An individual may also be denaturalized if they were affiliated with the Communist Party, another totalitarian party, or a terrorist organization as defined by the U.S. Government within ten years before their naturalization or in the five years after they have been naturalized.

Veteran Denaturalization

If a person served in the military during wartime, their citizenship may be revoked if he or she received a dishonorable discharge within a defined five-year period under INA § 329(c).

If a person received a dishonorable discharge from the military, then his or her derivatives may lose their citizenship if they are living outside of the United States when he or she is denaturalized.



Can denaturalization affect my family?

Under the Immigration and Nationality Act (“INA”) Section 340(d), **derivatives**, meaning people, like children or spouses, who became citizens because of their relationship to another person, **may lose their citizenship if the individual through whom they claimed their citizenship is denaturalized.**

If the court finds that you “**illegally procured**” your naturalization, then your derivatives can keep their status as U.S. citizens while you return to the status you had before you became a citizen.



If the court finds that you **concealed a material fact** or **willfully misrepresented information** to obtain citizenship, any derivatives who may have obtained their citizenship from you can also be denaturalized.

REMEMBER

Illegal procurement is outlined in INA Section 316(a). It says that a person seeking naturalization **must:**

- Meet certain United States residency requirements
- Have good moral character
- Support the U.S. Constitution

If you do not meet these requirements, you are **ineligible** for citizenship. If you did not meet the requirements and still became a citizen, that citizenship was **illegally procured.**

Denaturalization is complicated.

Contact Muslim Advocates

Phone (202) 897-2622

Email intake@muslimadvocates.org

Web muslimadvocates.org/action/report-discrimination

You should also seek legal counsel from reputable immigration attorneys in your area.



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