



United States Department of State

*Deputy Assistant Secretary
for Overseas Citizens Services*

Washington, D.C. 20522-0113

March, 25, 2008

Dear Mr. [REDACTED]

We have received your letter of March 5, 2008. It appears that you are attempting to renounce your United States citizenship. In addition to this letter, please read carefully the enclosed flyer, which in detail outlines the procedure and effects of renouncing U.S. citizenship.

Generally, United States citizens have the right to remain citizens until they intend to give up citizenship. Renunciation is the most unequivocal way in which a person can manifest an intention to relinquish U.S. citizenship. In order for a renunciation to be effective, all of the conditions of the statute must be met. Most significantly, *a person may not renounce U.S. citizenship while present in the United States*, unless the United States is in a state of war. Since the United States is not currently in a state of war, U.S. citizenship must be renounced abroad.

Loss of citizenship only occurs when a Certificate of Loss of Nationality is issued. The certificate may only be issued by the Department of State, after a careful review in which it is determined whether the person (1) has voluntarily performed an act made potentially expatriating by statute and (2) did so with the intention of relinquishing U.S. citizenship.

Persons who are considering renouncing U.S. citizenship should carefully review the enclosed information. We hope that this information will be helpful to you.

Sincerely,

Office of Policy Review and Interagency Liaison
Bureau of Consular Affairs

Enclosures: *Flyer on Renunciation of United States Citizenship By Persons Claiming A Right Of Residence In The United States*

RENUNCIATION OF U.S. CITIZENSHIP BY PERSONS CLAIMING A RIGHT OF RESIDENCE IN THE UNITED STATES

Section 349(a) of the Immigration and Nationality Act [8 U.S.C. 1481] governs how a U.S. citizen shall lose U.S. nationality. Section 349(a) states:

A person who is a national of the United States, whether by birth or naturalization, shall lose his nationality by voluntarily performing any of the following acts with the intention of relinquishing United States nationality:

(5) making a formal renunciation of nationality before a diplomatic or consular officer of the United States *in a foreign state*, in such form as may be prescribed by the Secretary of State; or

(6) making in the United States a formal written renunciation of nationality in such form as may be prescribed by, and before such officer as may be designated by, the Attorney General, whenever the United States shall be in a state of war and the Attorney General shall approve such renunciation as not contrary to the interests of national defense.

Renunciation is the most unequivocal way in which a person can manifest an intention to relinquish U.S. citizenship. Those contemplating a renunciation of U.S. citizenship should understand that renunciation is irrevocable, except as provided in Section 351 of the Immigration and Nationality Act, and cannot be cancelled or set aside absent successful administrative or judicial appeal. Consequently, renunciation of U.S. citizenship is not a step to be taken lightly. Because renunciation is a serious matter to be undertaken soberly and advisedly, persons contemplating renunciation are advised by U.S. consular officers to consider the matter carefully and, if they choose to proceed, to come back to the U.S. embassy or consulate after a period of reflection.

In accordance with Section 358 of the Immigration and Nationality Act, while persons seeking to renounce U.S. citizenship submit the necessary documentation to a U.S. consular officer at a U.S. Foreign Service post abroad, the decision whether to approve the renunciation is made by the Department of State in Washington, D.C. Accordingly, unless and until a certificate of loss of nationality is approved by the U.S. Department of State, the oath of renunciation, even though signed by the individual is not/not legally effective in terminating the person's U.S. citizenship.

In order for a renunciation under Section 349(a)(5) to be effective, all of the conditions of the statute must be met. In other words, a person wishing to renounce American citizenship must appear in person and sign an oath of renunciation before a U.S. consular or diplomatic officer abroad, generally at an American Embassy or Consulate. Moreover, Section 349(b) of the Act provides that:

Any person who commits or performs, or who has committed or performed, any act of expatriation under the provisions of this of any other Act shall be presumed to have done so voluntarily, but such presumption may be rebutted upon a showing, by a preponderance of the evidence, that the act or acts committed or performed were not done voluntarily.

In addition, please be aware that:

The U.S. Department of State has concluded that the intention to relinquish U.S. nationality required for purposes of finding loss of nationality for the purposes of Section 349(a) of the INA does not exist where a renunciant plans or claims a right to continue to reside in the United States, unless the renunciant demonstrates that residence will be as an alien documented properly under U.S. law.

Renunciations that are not in the form prescribed by the Secretary of State have no legal effect. Because of the provisions of Section 349(a)(5) U.S. citizens cannot effectively renounce their citizenship by mail, through an agent, or while in the United States. Section 349(a)(6) provides for renunciation of United States citizenship under certain circumstances in the United States when the United States is in a state of war. Such a state does not currently exist. Questions concerning renunciation of American citizenship under Section 349(a)(6) should be addressed to the Attorney General.

Persons who contemplate renunciation of U.S. nationality should be aware that, unless they already possess a foreign nationality or are assured of acquiring another nationality shortly after completing their renunciation, severe hardship to them could result. In the absence of a second nationality, those individuals would become stateless. As stateless persons, they would not be entitled to the protection of any government. They might also find it difficult or impossible to travel, as they would probably not be entitled to a passport from any country. Further, a person who has renounced U.S. nationality will be required to apply for a visa to travel to the United States, just as other aliens do. If found ineligible for a visa, a renunciant could be permanently barred from the United States. Renunciation of U.S. citizenship does not necessarily prevent a former citizen's deportation from a foreign country to the United States.

Persons considering renunciation should also be aware that the fact that they have renounced U.S. nationality may have no effect whatsoever on their U.S. tax or military service obligations. Nor will it allow them to escape possible prosecution for crimes which they may have committed in the United States, or repayment of financial obligations previously incurred in the United States. Questions about these matters should be directed to the government agency concerned.

Those persons who, after careful consideration of the contents of this letter and its enclosures, desire to renounce U.S. citizenship may contact a U.S. embassy to make an appointment, bearing in mind that they will be asked to demonstrate proof of foreign residence, or failing that, evidence that they intend to enter the United States as an alien with documentation to that effect. Moreover, a person in possession of a U.S. passport will be asked to submit that passport to the U.S. consular officer for cancellation. If the certificate of loss of nationality is approved by the U.S. Department of State, a person becomes ineligible for a U.S. passport in the future.

As previously stated, persons contemplating renunciation of U.S. citizenship are reminded that renunciation is irrevocable, except as provided in Section 351 of the Immigration and Nationality Act, and cannot be cancelled or set aside absent successful administrative or judicial appeal.

If you have any questions, contact a U.S. consular officer at the U.S. embassy or the Department of State (CA/OCS/PRJ).

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