



Embassy of the United States of America

**ADVICE ABOUT POSSIBLE LOSS OF U.S. CITIZENSHIP
AND DUAL NATIONALITY**

The Department of State is responsible for determining the citizenship status of a person located outside the United States or in connection with the application for a U.S. passport while in the United States.

POTENTIALLY EXPATRIATING STATUTES

Section 349 of the Immigration and Nationality Act, as amended, states that U.S. citizens are subject to loss of citizenship if they perform certain acts voluntarily and with the intention to relinquish U.S. citizenship. Briefly stated, these acts include:

- (1) obtaining naturalization in a foreign state (Section 349(a)(1) I.N.A.);
- (2) taking an oath, affirmation or other formal declaration to a foreign state or its political subdivisions (Section 349(a)(2) I.N.A.);
- (3) entering or serving in the armed forces of a foreign state engaged in hostilities against the U.S. or serving as a commissioned or non-commissioned officer in the armed forces of a foreign state (Section 349(a)(3) I.N.A.);
- (4) accepting employment with a foreign government if (A) one has the nationality of that foreign state or (B) a declaration of allegiance is required in accepting the position (Section 349(a)(4) I.N.A.);
- (5) Formally renouncing U.S. citizenship before a U.S. consular officer outside the United States (Section 349(a)(5) I.N.A.);
- (6) Formally renouncing U.S. citizenship within the U.S. (but only in time of war) (Section 349(a)(6) I.N.A.);
- (7) Conviction for an act of treason (Section 349(a)(7) I.N.A.)

ADMINISTRATIVE STANDARD OF EVIDENCE

As already noted, the actions listed above can cause loss of U.S. citizenship only if performed voluntarily and with the intention of relinquishing U.S. citizenship. The Department has a uniform administrative standard of evidence based on the premise that U.S. citizens intend to retain United States citizenship when they obtain naturalization in a foreign state, subscribe to routine declarations of allegiance to a foreign state, or accept non-policy level employment with a foreign government.

DISPOSITION OF CASES WHEN ADMINISTRATIVE PREMISE IS APPLICABLE

In light of the administrative premise discussed above, a person who:

- (1) is naturalized in a foreign country;
- (2) takes a routine oath of allegiance; or
- (3) accepts non-policy level employment with a foreign government

and in so doing wishes to retain U.S. citizenship need not submit prior to the commission of a potentially expatriating act a statement or evidence of his or her intent to retain U.S. citizenship since such an intent will be presumed.

When such cases come to the attention of a U.S. consular officer, the person concerned will be asked to complete a questionnaire to ascertain his or her intent toward U.S. citizenship. Unless the person affirmatively asserts in the questionnaire that it was his or her intention to relinquish U.S. citizenship, the consular officer will certify that it was not the person's intent to relinquish U.S. citizenship and, consequently, find that the person has retained U.S. citizenship.

DISPOSITION OF CASES WHEN ADMINISTRATIVE PREMISE IS INAPPLICABLE

The premise that a person intends to retain U.S. citizenship is not applicable when the individual:

- (1) formally renounces U.S. citizenship before a consular officer;
- (2) takes a policy level position in a foreign state;
- (3) is convicted of treason, or;
- (4) performs an act made potentially expatriating by statute accompanied by conduct which is so inconsistent with retention of U.S. citizenship that it compels a conclusion that the individual intended to relinquish U.S. citizenship. (Such cases are very rare.)

Cases in categories 2, 3 and 4 will be developed carefully by U.S. consular officers to ascertain the individual's intent toward U.S. citizenship.

PERSONS WHO WISH TO RELINQUISH U.S. CITIZENSHIP

An individual who has performed any of the acts made potentially expatriating by statute who wishes to lose U.S. citizenship may do so by affirming in writing to a U.S. consular officer that the act was performed with an intent to relinquish U.S. citizenship. Of course, a person always has the option of seeking to formally renounce U.S. citizenship in accordance with Section 349(a)(5) I.N.A.

APPLICABILITY OF ADMINISTRATIVE PREMISE TO PAST CASES

The premise established by the administrative standard of evidence is applicable to cases previously adjudicated by the Department. Persons who previously lost U.S. citizenship may wish to have their cases reconsidered in light of this policy. A person may initiate such a reconsideration by submitting a request to the nearest U.S. consular office or by writing directly to the Department of State at the following address:

Director, Office of Citizens Consular Services
(CA/OCS/CCS), Room 4811 NS
Department of State
Washington, D.C. 20520-4818

Each case will be reviewed on its own merits taking into consideration, for example, statements made by the person at the time of the potentially expatriating act.

DUAL NATIONALITY

When a person is naturalized in a foreign state (or otherwise possesses another nationality) and is thereafter found not to have lost U.S. citizenship, the individual consequently may possess dual nationality. It is prudent, however, to check with authorities of the other country to see if dual nationality is permissible under local law. The United States does not favor dual nationality as a matter of policy, but does recognize its existence in individual cases.