

DENATURALIZATION: WHAT YOU NEED TO KNOW

What is the process of denaturalization, are you at risk, and what to do if you are?

WHAT IS DENATURALIZATION?

In the United States, the Department of Justice can take away U.S. citizenship from people who became naturalized citizens. This process is called denaturalization.

HOW HAS DENATURALIZATION BEEN USED BY RECENT ADMINISTRATIONS?

Throughout U.S. history, denaturalization has been used to target Asian, Pacific Islander, Arab, Middle Eastern, and Muslim communities. For example, in the early 1900s, the Supreme Court Case *U.S. v. Bhagat Singh Thind* held that South Asians were not white, and thus could not be citizens. As a result, between 60 and 70 South Asians lost their U.S. citizenship through denaturalization.

However, this form of targeting was rare until around 2017. Until then, denaturalization was primarily used to hold specific war criminals, including former Nazis, to account. To achieve these goals, the U.S. Department of Justice (DOJ) and U.S. Citizenship and Immigration Services (USCIS) pursued cases as they arose.

In recent years that has changed. Between 2017 and 2020, the Trump administration pursued far more denaturalization cases than any prior administration. In 2018, USCIS created a new office focused on denaturalization investigations, including of people the government suspected of green card fraud.

**BETWEEN 2017 AND 2020,
DENATURALIZATION CASE
REFERRALS TO THE DOJ
INCREASED 600%**

**U.S. AGENCIES OFTEN USE
HIDDEN AND
DISCRIMINATORY TACTICS
TO TARGET PEOPLE FOR
DENATURALIZATION**

“We have entered a new chapter when a much larger number of people could feel vulnerable that their naturalization could be reopened.” -Muzaffar Chishti*

In 2020, the Biden Administration created a new DOJ office dedicated to prosecuting denaturalizations. In December 2022, the DOJ also updated its official policy on denaturalization. The policy includes vague language that could be used to increase denaturalization investigations of Arab, Middle Eastern, South Asian and Muslim communities who are subject to unjust national security profiling and targeting because of their national origin, religion, race, and ethnicity.

*Muzaffar Chishti is the Director of the Migration Policy Institute’s office at NYU School of Law.

8 U.S.C. § 1451: GROUNDS FOR DENATURALIZATION

Under current DOJ policy, there are five primary grounds for denaturalization. The U.S. government can use any of these grounds to pursue a denaturalization case.

1. Naturalization was obtained illegally, such as an individual was not eligible for naturalization in the first instance.
2. Naturalization was obtained through concealment of material fact or by willful misrepresentation, such as an individual did not purposefully mention a fact that would have affected the decision on their citizenship application. This can also include certain situations that may arise *after* someone has already become a citizen.
3. An individual was in the Armed Forces AND was discharged other than honorably.
4. An individual became a naturalized citizen through the naturalization of a parent or spouse AND that relative's naturalization was subsequently revoked.
5. An individual is criminally convicted under 18 U.S. Code § 1425 "Procurement of citizenship or naturalization unlawfully."

HOW DO I KNOW IF I AM BEING TARGETED FOR DENATURALIZATION?

You must be served a formal DOJ complaint before any denaturalization process starts. The complaint will provide some information about why the government is attempting to revoke your citizenship. While the complaint will provide some information about why the federal government has started this process, it rarely offers full transparency. Still, even if you are served this complaint, there are steps to protect yourself.

WHAT SHOULD I DO IF I THINK I AM BEING TARGETED FOR DENATURALIZATION?

You will have 60 days to respond to any complaint. If you receive a complaint, it is important to contact an attorney right away. If you have not received a complaint but are worried that you may fall under the categories listed above, reach out to a civil rights attorney to get help assessing your risk and legal options.

You can contact civil rights attorneys at the Asian Law Caucus at 415-896-1701. We provide free legal services in Urdu, Arabic, and Farsi, among other languages.



ADDITIONAL RESOURCES:

Find more information on denaturalization and potential legal defenses from the [Asian Law Caucus](#) and the [Immigrant Legal Resource Center/ National Immigration Project](#).