

Can You Lose Your U.S. Citizenship?

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May your U.S. citizenship be taken away even years after you have been naturalized? It is a scary prospect, but there are some circumstances where a naturalized U.S. Citizen can lose his U.S. citizenship.

In recent years, most cases of people losing their Citizenship involved Nazis or Nazi collaborators who were later discovered to be living in the United States. But denaturalization is not limited to the Nazis or their collaborators.

Under the Immigration Act, citizenship can be revoked when it is "illegally procured", was "procured by concealment of a material fact, or by there was "willful misrepresentation." For a person to be denaturalized based on any of the above grounds, the court must establish that the naturalized citizen has willfully lied about some facts and as a result procured his citizenship. In other words, if these facts were revealed in the first place, he may never have obtained his citizenship.

There are some specific misrepresentations which may result in denaturalization. Some of them are: concealing prior arrest or conviction, giving false identity, lying about ones marital status or concealment of spouse and/or children. In the eyes of the court, some of these instances show lack of good moral character which is a ground for denaturalization.

What about the person who lied about his date and place of birth to obtain his green card? Can he also be denaturalized? The court in this case says that for concealment to result in denaturalization, it must have occurred in the naturalization application, not in a prior visa application. However, if a person lied in his application to get a green card, and by lying he was able to obtain one, the green card is considered "illegally procured" making that person ineligible for naturalization.

There are two other additional grounds which may result in denaturalization. One is when the naturalized person becomes a member of a communist, totalitarian or anarchist party within five years after naturalization, and the other is when the naturalized person takes permanent residence outside of the United States within one year after naturalization. It is presumed that a person who decides to live abroad after just one year of his naturalization, has not intended to live in the U.S. permanently from the beginning.

Family members who derive their naturalization through a denaturalized citizen may lose their US citizenship if it was proven that the principal family member's naturalization was based on illegal procurement or misrepresentation. If, on the other hand, denaturalization was based on other grounds, the derivative persons may yet have a chance to retain their U.S. citizenship if they meet certain residence requirements.