



## Fact Sheet on Denaturalization

### *What is denaturalization?*

**Denaturalization is the revocation of United States citizenship of a naturalized immigrant by the U.S. government.** By law, denaturalization can only occur by a judicial order either through civil proceedings or a criminal conviction for naturalization fraud. U.S. Citizenship and Immigration Services (USCIS) refers cases for civil and criminal denaturalization to the Department of Justice (DOJ) when there is “sufficient evidence” that an individual is subject to one of the grounds of denaturalization. The DOJ’s U.S. Attorney’s Office must then file revocation of naturalization actions (for civil denaturalization cases) or criminal charges (for criminal denaturalization cases) in Federal District Court. A defendant can choose to voluntarily renounce their U.S. citizenship rather than contest the proceedings.

An individual whose U.S. citizenship is revoked returns to the immigration status he or she had before becoming a U.S. citizen. The individual may face deportation if he or she does not have lawful immigration status after they are denaturalized and/or serve jail time if their U.S. citizenship was revoked because of a criminal conviction.

### *What are the main reasons people can be denaturalized?*

**The federal government may seek to revoke U.S. citizenship under two general grounds for denaturalization:**

**1) Illegal procurement of naturalization:** Procuring naturalization illegally means that the individual was not eligible for naturalization in the first place because he or she does not meet or failed to comply with all of the statutory requirements for naturalization. In such a case, the individual’s U.S. citizenship can be revoked even if the individual is innocent of any willful deception or misrepresentation. For instance, in February 2015, the U.S. District Court for the Northern District of Texas revoked the naturalization of Sammy Chang, a naturalized U.S. citizen from South Korea, after Chang admitted to smuggling women from South Korea and forcing them to work for him prior to his naturalization, an act that adversely reflected on his good moral character. The court denaturalized Chang through civil denaturalization proceedings because his conduct of obtaining forced labor should have barred him from obtaining citizenship.

In addition, the federal government may choose to denaturalize an individual if he or she is or becomes a member or affiliated with the Communist Party, another totalitarian party, or a terrorist organization within ten years immediately preceding the filing of the naturalization application or the five years immediately following naturalization. In this case, affiliation with certain political parties or organizations precludes naturalization because it shows that the individual is not attached to the principles of the U.S. Constitution.

**2) Procurement of naturalization by concealing a material fact or by willful misrepresentation:** The federal government may also seek to denaturalize an individual if there is “deliberate deceit on the part of the person” in failing to disclose or misrepresenting a material fact that influences the decision to award the individual U.S. citizenship. The concealment or misrepresentation of a material fact can be made orally during the naturalization interview or in writing on the naturalization application. For example, an individual who

[misstates his or her employment](#) in order to prevent an USCIS adjudicator from finding out his or her real employment activity has engaged in concealment. The individual is at risk of denaturalization if the concealment or misrepresentation was material to the individual obtaining citizenship.

### ***Are there limits on denaturalization?***

**Yes.** The federal government must [meet a high burden of proof](#) when attempting to revoke an individual's naturalization by civil proceedings or as a result of a criminal conviction for naturalization fraud.

For civil denaturalization, the government [must show](#) "clear, convincing, and unequivocal evidence which does not leave the issue in doubt" that the individual procured naturalization illegally and/or concealed or willfully misrepresented a material fact during the naturalization process. There is no statute of limitations for pursuing a civil denaturalization case.

For a criminal conviction, the federal government [must show](#) "proof beyond a reasonable doubt" that the individual violated [18 U.S.C. § 1425](#) because the individual knowingly obtained or attempted to obtain naturalization through fraud for him or herself or for another individual. Denaturalization as a result of a criminal conviction is subject to a ten-year statute of limitation.

In 2017, the Supreme Court held in a unanimous decision in [Maslenjak v. United States](#) that only an illegal act that played a role in an individual's acquisition of U.S. citizenship could lead to criminal denaturalization, narrowing the scope under which an individual may be denaturalized under [18 U.S.C. § 1425](#). In *Maslenjak*, the government under the Obama and Trump administrations [sued to revoke](#) Diana Maslenjak's U.S. citizenship for making false statements regarding her husband's membership in a Bosnian Serb militia in the 1990s. The Supreme Court ruled that if an applicant made a false statement during the citizenship process, the statement must have played some role in the individual obtaining citizenship in order to warrant the revocation of citizenship. The court stated that "small omissions and minor lies" that did not influence the award of citizenship do not necessitate denaturalization. Yet, it [remains to be seen](#) how courts will determine whether a false statement played a role in an individual obtaining citizenship.

### ***Can military service members and veterans be denaturalized?***

**Yes.** A military service member or veteran who received U.S. citizenship as a result of their military service [could be denaturalized](#) if he or she:

1. Received U.S. citizenship on or after November 24, 2003; and
2. Served honorably in the military for a period totaling less than five years and separated from the U.S. Armed Forces under other than honorable conditions.

### ***Are family members affected by denaturalization efforts?***

**Possibly.** A spouse or child who became a U.S. citizen through the naturalization of [a spouse or parent will lose U.S. citizenship](#) if 1) the spouse or child resides in or outside the U.S. at the time of revocation, and 2) the spouse or parent's citizenship is revoked on the basis that the naturalization was procured by concealment of a material fact or willful misrepresentation.

A spouse or child who became a U.S. citizen through the naturalization of [a spouse or parent could lose U.S. citizenship](#) if 1) the spouse or child reside outside the U.S. at the time of revocation, and 2) the spouse or parent's citizenship is revoked as a result of becoming affiliated with certain organizations within five years of naturalization or for separating from the U.S. Armed Forces under other than honorable conditions before completing at least five years of honorable military service.

A spouse or child who became a U.S. citizen through the naturalization [of a spouse or parent does not lose U.S. citizenship](#) if the spouse or parent's citizenship is revoked due to the illegal procurement of naturalization.

### ***Are the number of denaturalization cases increasing?***

**Yes.** Between 1990 and 2017, the DOJ [filed a total of 305 denaturalization cases](#), an average of eleven per year. Since January 2017, USCIS has [identified](#) approximately 2,500 cases to be examined for possible denaturalization and referred at least 110 denaturalization cases to the DOJ for prosecution by the end of August 2018. The DOJ [filed](#) at least 30 denaturalization cases in Federal District Court in 2017, twice the number of cases filed by the DOJ in 2016.

Historically, the U.S. has reserved denaturalization proceedings for individuals who committed egregious crimes, including people who were found to be war criminals and terrorist funders. The most notable of those cases involved Nazi war criminals. For example, the federal government [pursued and obtained](#) the denaturalization of John (Ivan) Kalymon of Troy, Michigan in 2007 and his removal in 2011. Kalymon was an armed member of the Ukrainian Auxiliary Police (UAP) in Nazi-occupied L'viv, Ukraine who voluntarily participated in a series of persecutory anti-Jewish events, including personally killing at least one Jew and wounding another, before moving to the U.S. and naturalizing in 1955. The government's history of focusing its denaturalization efforts on war criminals and terrorist funders reflected a desire to expend limited government resources on only the most extreme situations.

### ***Why are people concerned about denaturalization?***

**The Trump administration is [creating a new office](#) within USCIS dedicated to reviewing and initiating denaturalization proceedings against thousands of individuals.** The office will [reportedly review](#) cases of individuals who were ordered deported and are suspected of using false identities to later obtain lawful permanent resident (LPR) status and U.S. citizenship through naturalization. USCIS is reportedly hiring at least a dozen attorneys for the denaturalization office, which will be located in Los Angeles. USCIS Director L. Francis Cissna stated he expects to refer "a few thousand cases" to the DOJ for denaturalization.

There are more than [20 million naturalized Americans](#) in the U.S. As a result, people are [concerned](#) that the federal government's denaturalization efforts could lead to the revocation of U.S. citizenship of many individuals who made minor or unintentional mistakes or omissions in their naturalization application. Some of the questions during the naturalization process are broad and vague, such as "Have you **ever** committed, assisted in committing, or attempted to commit, a crime or offense for which you were **not** arrested?" In addition, courts have not clarified what constitutes an offense that was material to the individual obtaining citizenship and could be the basis for a denaturalization proceeding. A broad interpretation of the grounds for denaturalization could adversely affect many naturalized Americans, especially because there is no statute of limitations for civil denaturalization.

On July 9, 2018, the Miami Herald [reported](#) that the DOJ sued to denaturalize Norma Borgono, a 63-year-old grandmother from Peru, for committing naturalization fraud by not divulging her role in a fraud scheme. As the secretary of an export company, Borgono prepared paperwork for her boss who stole money by using doctored loan applications. Borgono did not make money during the scheme beyond her salary and cooperated with the FBI to put her former boss in jail. The DOJ claims Borgono should have divulged her participation in the criminal offense in her naturalization application, even though she was not yet charged with the crime when she applied for citizenship. Borgono's story highlights how the federal government is currently broadly interpreting its authority to denaturalize new Americans.

### ***Why is the federal government focusing on denaturalization cases?***

**Efforts to denaturalize individuals are not new.** In 2010, a Department of Homeland Security (DHS) task force started Operation Janus to [identify individuals who should have been barred](#) from naturalization. USCIS checks applicants' fingerprints against both the DHS and the Federal Bureau of Investigation (FBI) digital fingerprint repositories when processing naturalization applications. As part of Operation Janus, DHS calculated that up to 315,000 older fingerprint records from the 1990s had not been digitized, including about 148,000 fingerprint records of individuals ordered deported or who had criminal records, creating a possibility that those individuals could have naturalized under an alternate identity. In response, ICE began to digitize those 315,000 older fingerprint records. In January 2018, the DOJ [secured its first denaturalization](#) stemming from Operations Janus.

A [2016 report](#) from the DHS Office of Inspector General (OIG) found at least 858 cases of people who were ordered deported or removed but later obtained U.S. citizenship using an alternate identity because their fingerprint records had not been digitized. According to USCIS, the effort to follow up on those cases since January 2017 has resulted in 2,536 cases flagged for in-depth review and at least 110 cases referred to the DOJ for denaturalization proceedings. USCIS stated its [intention](#) to refer an additional 1,600 of those cases for prosecution.