U.S. Citizenship

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Acquisition of Citizenship

Applicable Statute

- The law applicable in the case of a person born abroad who claims citizenship is the law in effect when the person was born, unless a later law applies retroactively to persons who had not already become citizens

Acquisition of Citizenship

Prerequisites for Transmitting U.S. Citizenship

Since 1790, there have been two prerequisites for transmitting U.S. citizenship to children born abroad:

1) At least one natural parent must have been a U.S. citizen when the child was born. The only exception is for a posthumous child.
2) The U.S. citizen parent(s) must have resided or been physically present in the United States for the time required by the law in effect when the child was born

Acquisition of Citizenship

Blood Relationship Essential

- The laws on acquisition of U.S. citizenship through a parent have always contemplated the existence of a blood relationship between the child and the parent(s) through whom citizenship is claimed. It is not enough that the child is presumed to be the issue of the parents' marriage by the laws of the jurisdiction where the child was born. Absent a blood relationship between the child and the parent on whose citizenship the child's own claim is based, U.S. citizenship is not acquired. The burden of proving a claim to U.S. citizenship, including blood relationship and legal relationship, where applicable, is on the person making such claim.

Acquisition of Citizenship

Applicants must meet different standards of proof of blood relationship depending on the circumstances of their birth:

1) The statutes do not specify a standard of proof for persons claiming birth in wedlock to a U.S. citizen parent or out of wedlock to an American mother. The State Department applies the general standard of a preponderance of the evidence.

2) Section 309(a) INA (8 U.S.C. 1409(a)), as amended on November 14, 1986, specifies that the blood relationship of a child born out of wedlock to a U.S. citizen father must be established by clear and convincing evidence. This standard generally means that the evidence must produce a firm belief in the truth of the facts asserted that is beyond a preponderance but does not reach the certainty required for proof beyond a reasonable doubt. There are no specific items of evidence that must be presented. Blood tests are not required, but may be submitted and can help resolve cases in which other available evidence is insufficient to establish the relationship.

Acquisition of Citizenship

Children born in wedlock are generally presumed to be the issue of that marriage. This presumption is not determinative in citizenship cases, however, because an actual blood relationship to a U.S. citizen parent is required. If doubt arises that the citizen "parent" is related by blood to the child, the consular officer is expected to investigate carefully.

Acquisition of Citizenship

Persons born abroad who acquire U.S. citizenship at birth by statute generally have the same rights and are subject to the same obligations as citizens born in the United States who acquire citizenship pursuant to the 14th Amendment to the Constitution. One exception is that they may be subject to citizenship retention requirements. These were prospectively repealed in October 1978.

Acquisition of Citizenship

Eligibility for Presidency

- It has never been determined definitively by a court whether a person who acquired U.S. citizenship by birth abroad to U.S. citizens is a natural-born citizen within the meaning of Article II of the Constitution and, therefore, eligible for the Presidency.
- Birth in USA is not required.
- Section 1, Article II, of the Constitution states, in relevant part that "No Person except a natural born Citizen...shall be eligible for the Office of President."
- The Constitution does not define "natural born". The phrase is used nowhere else in the Constitution.
- Most scholars now think that anyone who acquires US citizenship at birth, as opposed to becoming a naturalized citizen after birth, is a "natural born" citizen and can run for President.

Acquisition of Citizenship – Birth Outside of the U.S.

According to Section 301 of the INA, the following shall be national and citizens of the U.S. at birth:

Two U.S. Citizen Parents	One U.S. Citizen Parent, One U.S. National Parent	One U.S. Citizen Parent, One Alien Parent
At least one parent must have had a residence in the U.S. (or outlying possessions) for at least 1 year prior to the birth.	Citizen parent must have been in the U.S. (or outlying possessions) physically for a contiguous period of 1 year prior to the birth.	Citizen parent must have been in the U.S. (or outlying possessions) physically for more than 5 years, at least 2 of which after the age of 14. Exemptions for service in the U.S. Armed Forces or employment by the U.S. Government/international organization.

For those born before the law changed on November 13, 1986, the citizen parent had to be physically present in USA before the birth of child for 10 years, 5 after age 14 as opposed to current 5 and 2 years.

Acquisition of Citizenship – Birth Outside of the U.S.

- A citizen son or daughter of any parent whose employment abroad with the U.S. Armed Forces, the U.S. Government, or a designated international organization qualifies as physical presence in the United States may count as physical presence in the United States any time spent abroad with such parent during the parent's employment as long as the son or daughter was an unmarried, dependent member of the parent's household.
- Peace Corps volunteers are not U.S. Government employees for the purposes of section 301(g) INA
- A person employed by a company that has accepted a U.S. Government contract to undertake a certain project abroad is not a U.S. Government employee. Such a person cannot count as U.S. physical presence any time spent abroad working on the project.

Acquisition of Citizenship – Birth Outside of the U.S.

Miller v. Albright, 532 U.S. 420 (1998) – SCOTUS upheld the validity of laws relating to U.S. citizenship at birth for children born outside of the U.S., out of wedlock, to an American parent. The court declined to overturn a more restrictive citizenship requirement applying to an illegitimate foreign-born child of an American father, as opposed to a child born to an American mother under similar circumstances.

- Lorelyn Miller was born in the Philippines to an American father and a Philippine mother (who were not married). She later applied for a U.S. passport, but was turned down on the grounds that she was not a U.S. citizen. Miller challenged the law under which she had been denied citizenship, claiming that the law was unconstitutionally discriminatory because it imposed stricter requirements for a foreign-born illegitimate child of an American father than would have applied if her American parent had been her mother.
- Six of the Nine justices rejected Miller's challenge to the law, with three different opinions that denied her citizenship claim. Three justices dissented, agreeing with Miller.

Acquisition of Citizenship – Birth Outside of the U.S.

A subsequent case, *Nguyen v. I.N.S.*, 533 U.S. 53 (2001), held by a 5-4 majority that the law at issue in *Miller* case was acceptable.

***Flores-Villar v. United States*, 131 S. Ct. 2312, 180 L. Ed. 2d 222 (2011)**

- By a vote of four to four (because Justice Kagan was recused), the Court allowed the lower court's decision to stand; that decision rejected the argument that a federal law which establishes different standards for children born out of wedlock outside of the United States to obtain U.S. citizenship, depending on whether the child's mother or father was a U.S. citizen, is unconstitutional.

Acquisition of Citizenship – Birth Outside of the U.S.

Children born out of wedlock on or after December 24, 1952

If father was a U.S. Citizen:

1) A blood relationship between the person and the father is established by clear and convincing evidence,
2) The father had the nationality of the United States at the time of the person's birth,
3) The father (unless deceased) has agreed in writing to provide financial support for the person until the person reaches the age of 18 years, and
4) While the person is under the age of 18 years—
   a) The person is legitimated under the law of the person's residence or domicile, (or)
   b) The father acknowledges paternity of the person in writing under oath, or
   c) The paternity of the person is established by adjudication of a competent court

Acquisition of Citizenship – Birth Outside of the U.S.

Children born out of wedlock on or after December 24, 1952

If mother was a U.S. Citizen:

1) The mother had the nationality of the United States at the time of the person's birth,
2) The mother had previously been physically present in the U.S. (or outlying possessions) for a continuous period of 1 year.

It is much harder for a woman to transmit citizenship if married - then longer period of physical presence prior to birth of child is required to transmit citizenship. Upheld against discrimination charge.

Acquisition of Citizenship – Discrimination

"Millions of aspiring Americans apply to U.S. Citizenship and Immigration Services (USCIS) each year. But under a previously unknown national security program known as the "Controlled Application Review and Resolution Program" (CARRP), the government excludes many applicants from Arab, Middle Eastern, Muslim and South Asian communities from these opportunities by delaying and denying their applications without legal authority."

- ACLU (http://www.aclusocal.org/CARRP/)

Assisted Reproductive Technology (ART)

Transmission of U.S. citizenship at birth to a child born abroad is governed by Immigration and Nationality Act (INA) Sections 301 and/or 309. The Department of State (which is responsible for the determination) interprets the INA to require a U.S. citizen parent to have a biological connection to a child in order to transmit U.S. citizenship to the child at birth.

- In other words, the U.S. citizen parent must be the sperm or the egg donor in order to transmit U.S. citizenship to a child conceived through ART.
- The best evidence available to show a biological connection is DNA testing. These tests cannot be done until after the child is born.

Assisted Reproductive Technology (ART)

- Children born abroad to foreign surrogates and who are not biologically related to a U.S. citizen parent can have trouble entering the United States. If the child is not biologically related to a U.S. citizen parent, the child will not acquire U.S. citizenship automatically at birth. However, in some countries, the child will not acquire the citizenship of the country where he or she is born because the surrogate mother is not considered the parent of the child. In such a case, it may be impossible for that child to get a passport.
- A U.S. citizen parent who has a child using a foreign surrogate mother may apply for a Consular Report of Birth Abroad of an American Citizen (CRBA) and a U.S. passport for the child at the U.S. Embassy or Consulate in the country where the child was born.
  - A CRBA certifies that a child born abroad is a U.S. citizen, but does not determine who the legal parents are. In general, the name(s) listed is the citizen parent with a biological connection. A second parent may be listed if that parent has a legal parental relationship under the local law.

Assisted Reproductive Technology (ART)

A U.S. passport also documents the citizenship status of the bearer and by law is proof of U.S. citizenship.

- As part of the application process, the parents must provide evidence to the local U.S. Embassy or Consulate of the child's identity, birth, and citizenship. In an ART case, the parents would be required to provide medical and documentary evidence of the child's conception and birth, and evidence of the parents' identities, citizenships, and requisite physical presence in the U.S.
- If the child is biologically related to the US citizen father, but not the father's wife, the case would be treated as a birth out of wedlock to a U.S. citizen father, pursuant to INA 309(a), and the father would have to meet the additional requirements of that section otherwise INA 301 requirements would apply, including certain residence requirements.

Assisted Reproductive Technology (ART)

- The requirements for passports for minors under 16 are governed by 22 Code of Federal Regulations (CFR) Section 51.28. Essentially, the legal parents of the child must both consent to the passport application unless exigent or special family circumstances exist.
- If, under local law, a surrogate mother is the legal mother of a child born through ART, then the surrogate mother would need to consent to passport issuance for the minor child absent exceptions.

U.S. Citizenship

- Citizenship most often acquired by being born in the U.S., or through the naturalization process.
- The Child Citizenship Act (CCA) of 2000 grants automatic citizenship to the biological and adopted children of parents who are U.S. citizens.
  - Took effect February 27, 2001. It applies to children who were under the age of 18 on February 27, 2001; that is, children born on or after February 28, 1983.
  - If the child is legally adopted, he or she must meet all adoption requirements under immigration law.
  - Because citizenship law has changed over the years, if the person is now over 18 years of age, USCIS looks to the relevant law that was in effect before the child turned 18 to decide if the person acquired U.S. citizenship.

U.S. Citizenship

Parents of children who meet the conditions for automatic acquisition of citizenship under the CCA may apply for either or both of the following to document the child's status as a U.S. citizen:

- (1) A Certificate of Citizenship from USCIS; and
- (2) A U.S. passport from the Department of State.

There is no requirement that the child be documented in order to acquire U.S. citizenship. After the effective date of the statute, individuals who meet the statutory requirements are U.S. citizens when the last of the conditions required by the statute are met. They may be documented as such at any time.

U.S. Citizenship

- All children born in the USA are citizens at birth with two exceptions - children of parents with diplomatic immunity who are not subject to jurisdiction of US law and children born to soldiers of armies invading USA.
  - This is called birthright citizenship and, with the exception of Dred Scott case, has always been the law in the USA.
- Legal status of parents, or the lack of same, does not count. It is irrelevant. Key case is *United States v. Wong Kim Ark* (1898)

How to Get Automatic Citizenship

To qualify for automatic U.S. citizenship, a child must:

- Meet the definition of “child” under immigration law.
- Be under 18 years of age.
- Have at least one parent who is a U.S. citizen by birth or through naturalization.
- Reside in the United States under the legal and physical custody of the parent who is a U.S. citizen.
- Be a lawful permanent resident.

How to Prove You Are a Citizen

A qualified child does not need to file an application to establish U.S. citizenship, but the child will need a certificate of citizenship, which can be obtained by filing form N-600. This will ensure that all the requirements for citizenship have been met.

Once the form has been filed, an immigration officer will determine if an interview is necessary. If so, the applicant must meet with an officer and bring:

- All original documents of the copies submitted when filing form N-600.
- Any additional documents that will establish if the child qualifies for citizenship.
- Certified translation of documents not originally in English.

Naturalization for Children

USCIS will issue citizenship upon proof of the following conditions (per INA 322, as revised by CCA of 2000):

1. At least one parent is a citizen (by birth or naturalization);
2. Physical presence in the U.S. for more than 5 years (at least 2 years after reaching age 14);
3. Children is under the age of 18;
4. Child is residing outside of the U.S. in legal custody of a citizen parent and maintains lawful status;
5. An oath of allegiance is administered (unless waived);
6. Conditions pertain to children born out of wedlock to a U.S. citizen, or adopted children;
7. Upon obtaining citizenship, the child can apply for a U.S. passport.

Naturalization

- Must be an LPR for at least 5 years
- Must have be physically present for more than half of the preceding 5 years
- Must have no trips abroad lasting longer than 180 days during the preceding 5 years
- Must "reside" in the US during the preceding 5 years
- Must be a person of Good Moral Character (pay taxes, no criminal record, pay child support, register for selective service, etc.)
- Must be able to read, write and speak English
- Must pass an exam of US history and government
- If married to a USC for 3 years and living together, the same rules apply for 3 years instead of 5.

Myths vs. Realities

Myth: Marrying an American automatically qualifies you to apply for US citizenship.

Reality: Not true. Marriage to USC creates the basis for LPR status and shortens the period before you can apply for naturalization from 5 to 3 years but nothing is automatic.

Myth: Eligibility for naturalization starts from the time a nonimmigrant first arrives in the USA.

Reality: Not true. Period spent as NIV has no effect on qualifying for naturalization. No matter how long an NIV has been here, the person still has to wait 4 years and 9 months after getting LPR before applying for naturalization (2 years and 9 months if married to USC).

Myths vs. Realities

Myth: If married to USC, you never have to have the green card for 5 years before applying for naturalization; you can always file early.

Reality: It is true, as noted above, that an LPR who is married to USC only has to wait 2 years and 9 months before filing the N400 BUT this is true ONLY if the marriage is 3 years or longer. Someone married to USC for less than 3 years cannot file early but has to wait the normal time.

Myth: You always have to know how to read and write English to become a USC.

Reality: Not true If over 55 and LPR for at least 15 years.

Myths vs. Realities

Myth: You always have to have a fundamental understanding of U.S. history and government to apply for naturalization.

Reality: Not true if over 65 and LPR for at least 20 years

Myth: Getting re-entry permit helps preserve continuity of residence for naturalization

Reality: It has no such effect. Serves as an insurance policy to guard against unintentional abandonment of LPR but otherwise has no effect on naturalization. For that, you need to file an N 470 which requires an uninterrupted one year period AFTER LPR when you were always in USA. Most people cannot qualify to file N 470 for this reason.

Myths vs. Realities

Myth: If you disrupt the continuity of residence for naturalization, there is no required waiting period before you can file the N 400.

Reality: If you disrupt continuity of residence for naturalization, you must wait 4 years and 1 day before filing N 400 after you return to USA . This is 2 years and 1 day if married to USC.

Myth: You can never leave the USA once you file the N 400.

Reality: INA 316(b) says that you must “reside continuously” in USA from time of submitting the N 400 until time you become USC. This does not mean continuous physical presence

Myths vs. Realities

Myth: Working for an American company abroad excuses compliance with physical presence requirements.

Reality: Not true. It might enable you to apply for N 470 extended absence benefits if you have a post –LPR one year period of uninterrupted physical presence in USA but no impact on satisfying the 50% physical presence requirement. If your spouse works for such a US Company, this could enable you to bypass both residence and physical presence requirements by filing under INA 319(b).

Myth: You must be in the USA to file N 400.

Reality: Not true. N 400 is not re-entry permit where this is required. You can be anywhere and file N 400.

Myths vs. Realities

Myth: Step children count as children for purposes of deriving citizenship.

Reality: Step children come within the definition of child for visa purposes but they have never counted for citizenship purposes, unlike adopted children for example, and the Child Citizenship Act did not change that.

Myth: Naturalized citizens have to live in the US.

Reality: Not true. Once someone becomes a USC, they can leave the next day. Used to be they had to stay here for 5 years, then reduced to one and then requirement not to leave after naturalization eliminated entirely.

Myths vs. Realities

Myth: There is no way to stop being a USC once you are one.

Reality: You can voluntarily relinquish USC status either through execution of an affidavit of renunciation or through performance of an expatriating act done with the intent to give up USC. INA 349 is controlling statute.

Myth: All USC mothers have the same right to pass on USC to children born abroad.

Reality: If born out of wedlock, mother only has to have one year of prior physical presence before child is born compared to (since Nov 14, 1986) 5 years, 2 after age 14.

Myths vs. Realities

Myth: You cannot be an American citizen at birth unless you are born in USA.

Reality: Not true. Derivative citizenship attaches to those born outside USA where at least one parent is USC. Typically, if both parents are USC at time of birth, then the child becomes USC if one parent had a residence in USA before birth of child. If only one parent was USC, then the USC parent has to physical presence in the USA before birth of child for specified periods of time depending on when the child was born. Since Nov 14, 1986, this is 5 years physical presence, not residence, 2 after age 14. From 1952 until then, it was 10 years and 5 after age 14.

Myths vs. Realities

Myth: The child of a USC born outside the USA is automatically a USC.

Reality: Being USC does not give the USC parent the right to transmit that citizenship to his or her children unless they meet the physical presence requirement in USA prior to birth of child.

Myth: Only physical presence as a USC counts towards transmission of USC status to child born abroad.

Reality: Not true. Physical presence regardless of status counts. But it must be before child is born.

Myths vs. Realities

Myth: Anyone born in USA is automatically a citizen.

Reality: Not if a parent had diplomatic immunity and was not subject to US law.

Myth: American law does not allow dual citizenship.

Reality: A child born in the USA to parent(s) who are citizens of another country may legitimately acquire foreign citizenship if the law of that country follows *jus sanguinis*. US law does not allow the acquisition of foreign citizenship AFTER birth- this is the definition of naturalization- but it does allow acquisition of foreign citizenship AT time of birth. There is never a need for an election.

Myths vs. Realities

Myth: A U.S. passport is always proof of USC status.

Reality: Only when it is valid. An expired US passport is NOT proof of citizenship. This is why it is a good idea if possible for a derivative USC to also get Certificate of Citizenship since this never expires.

Myth: There is no way to stop being a USC once you are one.

Reality: You can voluntarily relinquish USC status either through execution of an affidavit of renunciation or through performance of an expatriating act done with the intent to give up USC. INA 349 is controlling statute.

Myths vs. Realities

Myth: Transmission of USC is gender neutral.

Reality: It is easier for unmarried women to pass on USC to children born abroad than for men. Compare INA 309©- woman only has to be in the USA for 1 year before child is born to INA 309(a)- clear and convincing evidence of blood relationship with child and father; written parental promise to provide financial support until age 18 and , while child is under 18, child is legitimated or father acknowledges paternity in writing or paternity established by court decree.

Myths vs. Realities

Myth: All USC mothers have the same right to pass on USC to children born abroad.

Reality: If born out of wedlock, mother only has to have one year of prior physical presence before child is born compared to (since Nov 14, 1986) 5 years, 2 after age 14.

Myth: Physical presence of USC parents AFTER child is born never counts to pass on USC.

Reality: This is true for acquisition of citizenship at birth per INA 301. It is not true for certificate of citizenship under INA 322 where it does count.

Myths vs. Realities

Myth: If USC parent dies, there is no way for child under age 18 born outside USA to derive USC status.

Reality: Under INA 322, physical presence of USC grandparents can be substituted for that of USC parent if the USC parent has died during preceding 5 years. Child must be under age 18, in legal and physical custody of USC parent (if deceased, in legal and physical custody of individual who does not object) and 5 years physical presence, 2 after 14. Conditions have to be satisfied at time of N 600 application even if child is older at time of adjudication.

Myths vs. Realities

Myth: There is no connection between tax returns and eligibility for naturalization.

Reality: Not true. Filing a non-resident tax return on 1040 NR is viewed as an abandonment of LPR. Taking advantage of foreign earned income exclusion will also make it difficult to satisfy the 50% physical presence requirement and/or can jeopardize continued retention of LPR status.

Myth: Failure to register for Selective Service while an NIV disqualifies you for naturalization

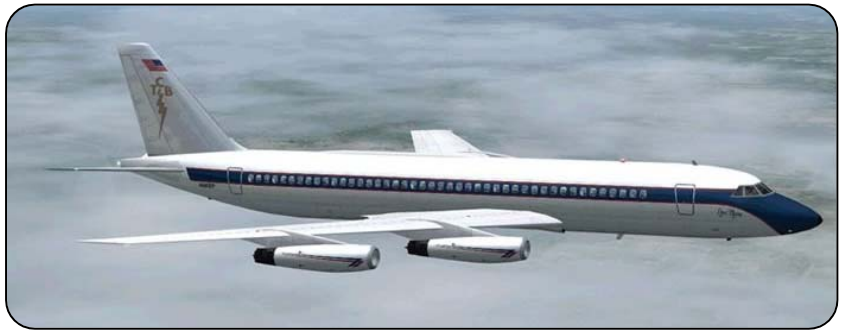
Reality: NIV not obliged to register. Obligation for LPR between 18-26.

Loss of Citizenship

Who may lose U.S. citizenship: A U.S. citizen by birth or naturalization INA 301 (8 U.S.C. 1401), INA 310 (8 U.S.C. 1421) or a U.S. noncitizen national INA 308 (8 U.S.C. 1408), INA 101(29) (8 U.S.C. 1101(29)) will lose U.S. nationality ("expatriate") her or himself by committing a statutory act of expatriation as defined in INA 349 (8 U.S.C. 1481), or predecessor statute, but only if the act is performed (1) voluntarily and (2) with the intention of relinquishing U.S. citizenship. The U.S. Supreme Court has spoken (Afroyim v. Rusk, 387 U.S. 253 (1967) and Vance v. Terrazas, 444 U.S. 252 (1980)): a person cannot lose U.S. nationality unless he or she voluntarily relinquishes that status.

Loss of Citizenship

Expatriation, like marriage and voting, is a personal elective right that cannot be exercised by another. Parents or legal guardians cannot renounce or relinquish the nationality of their children or wards, including adults who have been declared mentally incompetent.



Loss of Citizenship

Why expatriate: People elect to expatriate themselves for a variety of reasons: family reasons, tax reasons, pressure from foreign governments, and service as a diplomat from a foreign country, etc. Motivation is not relevant unless questions of duress and involuntariness arise. There is no requirement that persons disclose their motivation to a consular officer though it is often helpful if they do so in case they are acting based on a mistaken assumption.

Loss of Citizenship

Four elements must be established before a finding of loss may be made:

1) The person is in fact a U.S. citizen;
2) The person committed an act that is potentially expatriating under INA 349(a) (8 U.S.C. 1481(a));
3) The person committed the act voluntarily. A person who commits a potentially expatriating act is presumed to have done so voluntarily, but the 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;
4) The person intended to relinquish the rights and privileges of U.S. citizenship. If the would-be renunciant/person relinquishing U.S. citizenship demonstrates a clear intention to resume his/her residency in the United States without applying for a U.S. visa, the intention to relinquish U.S. citizenship has not been established satisfactorily and a finding of non-loss should be made.

The party claiming that loss of citizenship occurred must establish this by a preponderance of the evidence.

Loss of Citizenship

Where must the expatriating act occur: The expatriating act, except for an oath of renunciation taken during the course of a state of war or conviction of treason and certain other crimes, must be committed overseas for it to be effective; however, a potentially expatriating act performed in the United States may thereafter result in the loss of citizenship if the citizen thereafter takes up residence in a foreign country.

Loss of Citizenship

No temporary suspension of U.S. citizenship:

- A person cannot renounce or relinquish U.S. citizenship temporarily or put his or her U.S. citizenship "in suspense" while, for example, accepting a diplomatic appointment from a foreign government. A loss of citizenship is permanent and irrevocable, unless the U.S. Government subsequently overturns the loss for involuntariness or lack of intent. Individuals who lose citizenship would need to reacquire it though naturalization.

Loss of Citizenship

No retroactive effect on derivative citizenship:

- Unlike denaturalization, loss of nationality operates only for the future, and has no retroactive effect. The expatriated citizen's status was lawfully acquired, and its termination does not affect previous events. For this reason, a person's loss of nationality does not affect citizenship or immigration status previously acquired on the basis of the principal's citizenship. Thus, the loss of nationality does not terminate the citizenship of the principal's children, acquired derivatively through their parent prior to the parent's loss of nationality. For this reason, it often has been necessary to determine the precise date of expatriation, since children born abroad before that date may have acquired U.S. citizenship, while those born after that date would have no such claim.

Loss of Citizenship

Who may prepare a Certificate of Loss of Nationality (CLN) and accompanying documents:

- INA 358 authorizes a diplomatic or consular officer to certify facts on which it is believed a U.S. citizen may have lost citizenship. (Note that the consular officer's finding is not self-executing. Actual approval of the finding of loss of nationality can only be made by the Department.

A consular officer at a U.S. embassy or consulate abroad may prepare a preliminary recommendation of a finding of loss of nationality in the form prescribed and transmit it to the Office of American Citizen Services and Crisis Management (CA/OCS/ACS) for approval.

Loss of Citizenship

Who may approve a Certificate of Loss of Nationality:

- The authority to approve or disapprove a finding of loss of nationality is a grave responsibility; consequently, the Department of State has imposed a high level of checks and balances for such decision making. This is the one area of citizenship and nationality law which has not been and absent a change in the statute cannot be delegated to U.S. consular officers abroad:

(1) Only a division chief in the Office of American Citizen Services and Crisis Management (CA/OCS/ACS) in the Directorate of Overseas Citizens Services, Bureau of Consular Affairs of the Department of State, may approve a Certificate of Loss of Nationality;

Questions

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