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To: Democracy 2025 Partners
From: Democracy Forward Foundation
Re: Primer: Denaturalization and Its Potential Weaponization
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What is Denaturalization?

Denaturalization is the revocation of U.S. citizenship from a naturalized citizen, meaning someone who was not born a U.S. citizen and later successfully applied to become one.¹ The government can only revoke naturalized citizens' citizenship in extremely rare circumstances, and denaturalization must [always be](#) by order of a federal judge, whether in either a civil case about denaturalization or pursuant to a criminal conviction.

Denaturalization pursuant to a criminal conviction is authorized by the Immigration and Nationality Act² when an individual is convicted of “knowingly procure[ing] or attempt[ing] to procure, contrary to law, the naturalization of any person.”³ It can result in a fine or up to 25 years in prison, in addition to automatic revocation of citizenship.⁴

This memo focuses on civil denaturalization, which is at greater risk of being weaponized by authoritarian leadership for several reasons: [civil proceedings](#) have no statute of limitations, unlike the criminal statute of limitations (which is for 10 years after naturalization), and a naturalized citizen is not entitled to an attorney, unlike in criminal proceedings.

In civil proceedings, naturalization can be revoked if:

1. The individual “procured” naturalization “illegally,” that is, they did not meet the eligibility requirements for citizenship or otherwise follow legal processes;⁵

¹ People who have had their citizenship since birth, also known as natural-born citizens, cannot have their citizenship revoked by the government without the citizen actively relinquishing or renouncing their citizenship. *See Trop v. Dulles*, 356 U.S. 86 (1958); *Afroyim v. Rusk*, 387 U.S. 253 (1967); *Vance v. Terrazas*, 444 U.S. 252 (1980); *see also this overview* of how to renounce U.S. citizenship. Neither naturalized or natural-born U.S. citizens can lawfully be deported. *Lytle v. United States*, 867 F. Supp. 2d 1256, 1283-84 (M.D. Ga. 2012) (“[I]t is illegal and unconstitutional to deport, detain for deportation, or recommend deportation of a U.S. citizen.”) (citing *Tuan Anh Nguyen v. Immigration & Naturalization Serv.*, 533 U.S. 53, 67 (2001) and *Shapiro v. Thompson*, 394 U.S. 618, 629 (1969)).

² 8 U.S.C. § 1451.

³ 18 U.S.C. § 1425.

⁴ 8 U.S.C. § 1451(e).

⁵ *Id.* § 1451(a).

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2. The individual “procured” naturalization “by concealment of a material fact or by willful misrepresentation;”⁶
3. The individual refuses to testify to a congressional committee within ten years following naturalization about their alleged subversive activities;⁷
4. The individual received citizenship through a parent or spouse who is later denaturalized;⁸ or
5. The individual received citizenship through military service and then was discharged under “other than honorable conditions” before having served honorably for five years total.⁹

The first two grounds for revocation listed above have been used for most denaturalization cases in recent decades. The first of these is known as **illegal procurement**, which means that an individual was not eligible for naturalization in the first place. Requirements for citizenship [include](#) having been a permanent resident for a certain number of years, continuous residence in the United States, being “attached” to the principles of the Constitution, and demonstrating “good moral character” for the five years preceding naturalization. The second ground is known as **concealment of a material fact or willful misrepresentation**, and it happens when someone fails to disclose or lies about a fact that could have weighed on government officials’ decision to grant them citizenship. Such facts can include joining or becoming affiliated with the Communist party or a totalitarian party within five years of receiving citizenship, which is considered prima facie evidence that the individual did not have good moral character or was not attached to the U.S. Constitution when they naturalized.¹⁰ The illegal procurement and concealment of a material fact grounds overlap, and many people in denaturalization proceedings are alleged to have violated both.

Civil denaturalization cases formally [start](#) when the U.S. Department of Justice (DOJ) files a civil complaint in federal court, which occurs after U.S. Citizenship and Immigration Services

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* § 1451(d). This ground applies differently depending on what grounds the parent or spouse was denaturalized under and whether the derivative applicant is living in the United States.

⁹ *Id.* § 1440(c).

¹⁰ *Id.* § 1451(c); *see also id.* § 1424(a). Sections 1424(a)(4)-(6) describe individuals who are members of or affiliated with organizations that “advocate[] or teach[] (A) the overthrow by force or violence or other unconstitutional means of the Government of the United States or of all forms of law; (B) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government because of his or their official character; or (C) the unlawful damage, injury, or destruction of property; or (D) sabotage,” or organizations that write, publish, circulate, distribute, etc., any printed matter advocating for those causes.

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(USCIS), part of the U.S. Department of Homeland Security (DHS), conducts an investigation and then recommends someone for denaturalization. The government has a high burden of proof in civil denaturalization cases, equivalent to that of criminal cases: it must show “clear, unequivocal, and convincing evidence which does not leave the issue in doubt.”¹¹ Defendants can retain lawyers to represent them, but they are not guaranteed a lawyer at government expense (like in all civil matters). A judge makes the ultimate decision, and people who are denaturalized return to the immigration status they held before naturalization, meaning they could be deported following removal proceedings.

Denaturalization in the Trump-Vance Era

The Trump-Vance administration has signaled that civil denaturalization is a priority in its immigration policy, as it was during the Trump-Pence administration. In June 2025, Assistant Attorney General Brett Shumate released a [memo](#) saying that the DOJ would “prioritize and maximally pursue denaturalization proceedings in all cases permitted by law and supported by the evidence.” It went on to outline categories of prioritization that are more expansive than the types of cases prioritized by the DOJ in the past, which [focused](#) on war criminals, terrorism funders, and other extreme situations. The June 2025 prioritization list—which reflects the administration’s enforcement choices, not any change in the underlying law—included individuals who have allegedly supported gangs or cartels, individuals who have engaged in financial fraud, and the catch-all category of “any other cases referred to the Civil Division that the Division determines to be sufficiently important to pursue.” Although the law is clear that any mistakes in an immigration process must be material to allow for denaturalization, there are concerns that the government will try to use small errors, discrepancies, or unintentional oversights or omissions in immigration applications to target naturalized citizens. It is also possible that the Trump-Vance administration will target naturalized citizens for their political speech or activity, particularly given the administration’s broad [push](#) to designate people with left-wing beliefs as violent terrorists.

Public reporting also indicates that the DOJ [has tasked](#) USCIS with identifying 100-200 cases for potential denaturalization per month, which would be a significant escalation from previous presidential administrations: the Trump-Pence administration [filed](#) 168 denaturalization cases total, and the Biden-Harris administration filed only 64. In April 2026, the DOJ reportedly

¹¹ *Schneiderman v. United States*, 320 U.S. 118, 135 (1943); see also *Klapprot v. United States*, 335 U.S. 601, 612 (1949) (the “clear, unequivocal and convincing evidence” standard in civil denaturalization proceedings is “substantially identical” to the criminal standard of “beyond a reasonable doubt”).

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[identified](#) 384 individuals for whom it plans to file denaturalization cases, and plans to amplify its efforts by delegating responsibility for filing cases to DOJ attorneys across the country in U.S. Attorneys' offices instead of litigating them all through "main Justice" in D.C. So far, however, there have been about [60 denaturalization proceedings](#) initiated in federal court since January 2025.¹² At least three of the cases so far have been brought for defendants' alleged conduct after naturalization: [one](#) where the defendant was dishonorably discharged from the military, and two where the defendants allegedly became affiliated with designated Foreign Terrorist Organizations ([al-Shabaab](#) and [al-Qaeda](#)) within five years of naturalizing. So far, these cases have not shown the Trump-Vance administration taking a more expansive approach to seeking denaturalization for conduct after the person naturalized.

Impact

The U.S. Supreme Court held 80 years ago that "[c]itizenship obtained through naturalization is not a second-class citizenship. It ... carries with it all of the rights and prerogatives of citizenship obtained by birth in this country save that of eligibility to the Presidency."¹³ The Court has time and again upheld a very high bar for the government to denaturalize citizens, and the Trump-Vance administration will have to clear that bar if they want to denaturalize thousands of Americans.

However, denaturalization cases make naturalized citizens vulnerable, even if the cases are weak and ultimately do not prevail. It is rare, but not impossible, that individuals may not even [know](#) that a case has been filed against them, leaving them unable to defend their rights. A negative result could render them stateless. Hiring an attorney to defend a denaturalization case can be expensive, and there are few attorneys with denaturalization defense experience. However, there are ongoing efforts to ensure sufficient attorneys are available in the event that there is an increase in these types of cases. Beyond the practical burdens of individual cases, the Trump-Vance administration's prioritization of denaturalization has the potential to sow fear among naturalized citizens—especially those of backgrounds or groups that the administration considers disfavored—chilling their ability to fully participate in American politics and society.

Additional Resources

¹² From 1990 to 2017, 11 denaturalization cases [were filed](#) per year on average.

¹³ *Knauer v. United States*, 328 U.S. 654, 658 (1946).

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To help partners understand the state of play on this issue, we are pleased to share our new [database](#) tracking new civil denaturalization cases since January 2025. This will be regularly updated.

For a fuller understanding of the issue, consider reviewing the following resources:

- National Immigration Project of the National Lawyers Guild & Immigrant Legal Resource Center, “[Denaturalization and Revocation of Naturalization](#)” (Feb. 2020)
- Christian Penichet-Paul, National Immigration Forum, “[Denaturalization: Fact Sheet](#)” (July 14, 2025)
- American Immigration Lawyers Association, “[Policy Brief: Denaturalization and the Administration’s Targeting of U.S. Citizens](#)” (July 21, 2025)
- Immigration Legal Resource Center, “[FAQs: How Denaturalization Works](#)” (Aug. 5, 2025)
- Faiza Patel & Margy O’Herron, Brennan Center for Justice, “[Stripping Naturalized Americans of Citizenship Faces High Legal Hurdles](#)” (Oct. 24, 2025)