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Policy Brief: Denaturalization and the Administration's Targeting of U.S. Citizens

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With Congress adding \$170.7 billion to President Trump's enforcement machine, the Administration is now attempting to strip Americans of their citizenship. On June 11, 2025, the Department of Justice (DOJ) issued a [memorandum](#) on civil division enforcement priorities that included denaturalization as a top priority. While denaturalization is authorized under the Immigration and Nationality Act (INA), past administrations [rarely used it and usually only in extreme examples](#) such as cases involving genocide or espionage. [From 1990 to 2017](#), only 305 denaturalization cases were pursued, an [average](#) of 11 people per year. Under the first Trump Administration, denaturalization case referrals [increased by](#) 600 percent.

The Administration is now turning enforcement into a political weapon that will ensnare people with minor infractions and those who express views critical of the current Administration, even if they have not been found guilty of any wrongdoing. Already, President Trump called for the [deportation](#) of New York mayoral candidate Zohran Mamdani, a naturalized citizen since 2018, and the [expatriation](#) of comedian Rosie O'Donnell, a U.S.-born citizen.

This denaturalization campaign cannot go unchecked—Congress and courts must uphold the rule of law by providing oversight and ensuring compliance with the statute and judicial precedent.

Which American Citizens Is the Trump Administration Targeting?

Many of the priorities laid out in the June [DOJ memorandum](#) are not grounded in statute and are ripe for political abuse given their breadth. Notably, the memorandum prioritizes these people, among others, for denaturalization:

- Any citizen DOJ “determines to be sufficiently important to pursue.”
- Cases against individuals DOJ deems a “potential danger to national security.”
- Citizens who further or furthered the unlawful enterprise of criminal gangs.
- Citizens who engaged in various forms of financial fraud against the United States or against corporations.
- Citizens who “acquired naturalization through government corruption.”
- Citizens referred “in connection with pending criminal charges.”

[\[T\]he deprivation of citizenship is not a weapon that the Government may use to express its displeasure at a citizen's conduct, however reprehensible that conduct may be.](#)
[Trop v. Dulles \(1958\)](#)

The policy purports to authorize denaturalization when a criminal charge is *pending* and suggests an even wider range of offenses could trigger denaturalization than what is laid out in statute. Importantly, both the Constitution and the statute limit the circumstances under which the government can strip someone of U.S. citizenship.

How Does Denaturalization Work?

The Fourteenth Amendment to the Constitution guarantees that citizenship cannot be taken away without due process. Because of this, the process to strip an American's citizenship is complicated, and the government bears a high standard of proof. Denaturalization generally begins with USCIS recommending revoking citizenship, and then DOJ filing a civil complaint in federal court. The federal government **must then show clear, unequivocal, and convincing evidence** that leaves the issue free of doubt. If the government pursues denaturalization based on [fraud](#) in criminal court, the burden is beyond a reasonable doubt.

By [statute](#), citizenship can be revoked if a citizen:

- “Illegally procured” the benefit based on a willful misrepresentation or concealment of a material fact.
- Becomes a member of or affiliated with subversive, communist, or anarchist organizations within five years of naturalization.
- Received citizenship because of a relationship with a parent and spouse whose citizenship was revoked.
- Was criminally convicted of naturalization fraud.
- Acquired citizenship through military service and was dishonorably discharged.
- Refused, under specified circumstances, to testify before a congressional committee on alleged subversive activities.

Importantly, the statute does not include any of the prioritizations listed in the previous section as reasons to revoke citizenship. This means that either that the Administration will waste government resources targeting individuals who cannot be ultimately denaturalized, or that the Administration is attempting to expand who can be denaturalized beyond what is authorized by Congress.

Can the Government Strip Someone Born in the U.S. of Their Citizenship?

A U.S.-born citizen can proactively renounce their citizenship. In addition, the government can strip their citizenship or “expatriate” them if they commit one of the following acts (8 USC § 1481):

- committing treason against the United States;
- naturalizing in a foreign state or declaring allegiance to a foreign state after 18 years of age;
- working for a foreign government; or
- entering the armed forces of a foreign government if the citizen is an officer or the country is engaged in hostilities against the U.S.

The Supreme Court held in [Afroyim v. Rusk](#) and later in [Vance v. Terrazas](#) that this act must be voluntary with an intent to renounce citizenship. The Court left it to Congress to set the standard of proof for expatriation. The party claiming that one of these acts occurred bears the [burden of establishing](#) that the act occurred by “a preponderance of the evidence.” There is a rebuttable presumption that the act was voluntary, if it occurred.

Every American Should Be Concerned by President Trump’s Attack on Citizenship

Historically, stripping citizenship was a tool weaponized both in [Nazi Germany](#) and during the [McCarthy era](#). In many rulings, the Supreme Court has sought to shield citizenship from political targeting.

The new DOJ policy wastes taxpayer resources and will almost certainly target individuals for minor administrative errors. The first Trump Administration [pursued](#) cases involving minor [discrepancies](#) in a citizen’s file, including typographical or translation errors.

The policy’s vague terminology grants DOJ broad discretionary power. Alarming, the priorities outlined in the memo include denaturalizing any citizen whom DOJ “determines to be sufficiently important to pursue,” but fails to define “sufficiently important.” **This leaves the door open for DOJ to denaturalize any naturalized citizen, for any alleged infraction.** Similarly, the policy does not define criteria for determining when someone can be denaturalized as a “potential threat to national security,” creating an unclear standard and potentially violating core civil liberties such as due process and privacy. Governmental policies, especially those as consequential as denaturalization, should ensure responses are proportionate, non-discriminatory, and foster public confidence.

Citizens who are targeted may never have the chance to defend themselves. Importantly, because denaturalization cases are usually civil proceedings, a citizen can be stripped of their citizenship [without ever knowing](#) that a case is filed against them. There is no right for a person to appear to defend themselves in such a proceeding, nor is [there a constitutional right](#) to legal counsel. Based on a review of court records under the prior Trump Administration, [the American Constitution Society warned](#) that “**court filings suggests that the government’s litigation procedures carry a disturbingly high risk of mistakenly taking away citizenship from someone who committed neither crime nor fraud.**” Once stripped of citizenship, [someone may be stateless](#), which has a severe impact on access to rights and navigating day-to-day life.

A targeted campaign to strip people of citizenship threatens to erode public confidence in the stability of their citizenship status. **By casting doubt on the finality of naturalization, the Administration discourages eligible individuals from pursuing the process and dissuades**

“Were the law otherwise, valuable rights would rest upon a slender reed, and the security of the status of our naturalized citizens might depend in considerable degree upon the political temper of majority thought and the stresses of the times. Those are consequences foreign to the best traditions of this nation, and the characteristics of our institutions.”
Schneiderman v. United States (1943)

citizens from fully engaging in civic life. Over time, this erosion of trust will weaken democratic participation and democracy.

Additional Resources

[Denaturalization and Revocation of Naturalization](#), Immigrant Legal Resource Center and the National Immigration Project (2020)

[Constitution Annotated](#), Congress.gov