tody of the Service a report upon those here-
tofore seeking citizenship to show by nationali-
ties their relation to the numbers of aliens an-
nually arriving and to the prevailing census pop-
uations of the foreign-born, their economic, vo-
cational, and other classification, in statistical
form, with analytical comment thereon, and to
prepare such report annually hereafter. Pay-
ment for the equipment used in preparing such
compilation shall be made from the appropri-
ation for the enforcement of this chapter by the
Service.

(June 27, 1952, ch. 477, title III, ch. 2, §347, 66
Stat. 266.)

Editorial Notes

References in Text

This chapter, referred to in text, was in the original,
163, known as the Immigration and Naturalization
Act, which is classified principally to this chapter. For com-
plete classification of this Act to the Code, see Short
Title note set out under section 1101 of this title and
Tables.

Statutory Notes and Related Subsidaries

Effective Date

Section effective 180 days after June 27, 1952, see sec-
tion 407 of act June 27, 1952, set out as a note under sec-
tion 1101 of this title.

Abolition of Immigration and Naturalization
Service and Transfer of Functions

For abolishment of Immigration and Naturalization
Service, transfer of functions, and treatment of related
references, see note set out under section 1551 of this title.

§ 1481. Loss of nationality by native-born or natu-nalized citizen; voluntary action; burden of
proof; presumptions

(a) A person who is a national of the United
States whether by birth or naturalization, shall
lose his nationality by voluntarily performing
any of the following acts with the intention of
relinquishing United States nationality—
(1) obtaining naturalization in a foreign
state upon his own application or upon an
application filed by a duly authorized agent,
after having attained the age of eighteen
years; or
(2) taking an oath or making an affirmation
or other formal declaration of allegiance to a
foreign state or a political subdivision thereof,
after having attained the age of eighteen
years; or
(3) entering, or serving in, the armed forces
of a foreign state if (A) such armed forces are
engaged in hostilities against the United
States, or (B) such persons serve as a commis-
sioned or non-commissioned officer; or
(4) (A) accepting, serving in, or performing
the duties of any office, post, or employment
under the government of a foreign state or a
political subdivision thereof, after attaining
the age of eighteen years if he has or acquires
the nationality of such foreign state; or (B) ac-
cepting, serving in, or performing the duties of
any office, post, or employment under the gov-
ernment of a foreign state or a political sub-
division thereof, after attaining the age of
eighteen years for which office, post, or em-
ployment an oath, affirmation, or declaration
of allegiance is required; or
(5) making a formal renunciation of nation-
ality before a diplomatic or consular officer of
the United States in a foreign state, in such
form as may be prescribed by the Secretary of
State; or
(6) making in the United States a formal
written renunciation of nationality in such
form as may be prescribed by, and before such
officer as may be designated by, the Attorney
General, whenever the United States shall be
in a state of war and the Attorney General
shall approve such renunciation as not con-
trary to the interests of national defense; or
(7) committing any act of treason against, or
attempting by force to overthrow, or bearing
arms against, the United States, violating or
conspiring to violate any of the provisions of
section 2383 of title 18, or willfully performing
any act in violation of section 2383 of title 18,
or violating section 2384 of title 18 by engaging
in a conspiracy to overthrow, put down, or to
destroy by force the Government of the United
States, or to levy war against them, if and
when he is convicted thereof by a court mar-
tial or by a court of competent jurisdiction.

(b) Whenever the loss of United States nation-
ality is put in issue in any action or proceeding
commenced on or after September 26, 1961 under,
or by virtue of, the provisions of this chapter or
any other Act, the burden shall be upon the
person or party claiming that such loss occurred, to
establish such claim by a preponderance of the
evidence. Any person who commits or performs,
or who has committed or performed, any act of
expatriation under the provisions of this chapter
or any other Act shall be presumed to have done
so voluntarily, but such presumption may be re-
butted upon a showing, by a preponderance of
the evidence, that the act or acts committed or
performed were not done voluntarily.

(June 27, 1952, ch. 477, title III, ch. 2, §349, 66
Stat. 1046; Pub. L. 97–116, §18(k)(2), (q), Dec. 29,
1981, 95 Stat. 1620, 1621; Pub. L. 99–365, §§18, 19,
Nov. 14, 1986, 100 Stat. 3658; Pub. L. 100–525,
§§25(m), (n), (9)(h), Oct. 24, 1988, 102 Stat. 2618,
2622.)

Editorial Notes

References in Text

This chapter, referred to in subsec. (b), was in the
original a reference to this Act, meaning act June 27,
expatriation of persons who voted in a political election in a foreign state or participated in an election or plebiscite to determine sovereignty over foreign territory, was struck out.

Subsec. (a)(6). (7). Pub. L. 95–432, §4, redesignated pars. (7) and (9) as (6) and (7), respectively. Former pars. (6) and (7) redesignated (5) and (6), respectively.

Subsec. (a)(8). Pub. L. 95–432, §2, struck out par. (8) which dealt with expatriation of persons who were dismissed or dishonorably discharged as result of deserting the military, air, or naval forces of the United States in time of war.


1976—Subsec. (a)(10). Pub. L. 94–412 struck out par. (10) which dealt with the expatriation of persons who remained outside of the jurisdiction of the United States in time of war or national emergency to avoid service in the military.


Statutory Notes and Related Subsidiaries


Effective Date of 1986 Amendment


Effective Date of 1981 Amendment

Amendment by Pub. L. 94–412 not to affect any action taken or proceeding pending at the time of amendment, see section 501(h) of Pub. L. 94–412, set out as a note under section 1601 of Title 50, War and National Defense.

Abolition of Immigration and Naturalization Service and Transfer of Functions

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

Right of Expatriation

R.S. §1999 provided that: "Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this Government has freely receivethem from all nations, and invested them with the rights of citizenship, and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the government thereof, and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and fi-
nally disavowed: "Therefore any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the Republic."


Section, act June 27, 1952, ch. 477, title III, ch. 3, §350, 66 Stat. 269, provided that an individual with dual nationality who voluntarily claims the benefits of the foreign state nationality loses his United States nationality by having continuous residence in the foreign state for 3 years after having attained 22 years of age unless prior to the 3-year period he takes an oath of allegiance to the United States, or his residence in the foreign state was for a reason specified in section 1485(1), (2), (4), (5), (6), (7), or (8) of this title or section 1486(1) or (2) of this title.

Statutory Notes and Related Subsidiaries

Effective Date of Repeal

§ 1483. Restrictions on loss of nationality

(a) Except as provided in paragraphs (6) and (7) of section 1481(a) of this title, no national of the United States can lose United States nationality under this chapter while within the United States or any of its outlying possessions, but loss of nationality shall result from the performance within the United States or any of its outlying possessions of any of the acts or the fulfillment of any of the conditions specified in this Part if and when the national thereafter takes up a residence outside the United States and its outlying possessions.

(b) A national who within six months after attaining the age of eighteen years asserts his claim to United States nationality, in such manner as the Secretary of State shall by regulation prescribe, shall not be deemed to have lost United States nationality by the commission, prior to his eighteenth birthday, of any of the acts specified in paragraphs (3) and (5) of section 1481(a) of this title.

Amendment by Pub. L. 97–116, §18(c)(1), substituted "paragraphs (6) and (7) of section 1481(a)" for "paragraphs (7), (8), and (9) of section 1481". Subsec. (b). Pub. L. 97–116, §18(c)(2), substituted "and (5)" for "(5), and (6)".

Statutory Notes and Related Subsidiaries

Effective Date of 1996 Amendment

Effective Date of 1988 Amendment

Effective Date of 1986 Amendment
Amendment by Pub. L. 99–653 applicable to actions taken before, on, or after Nov. 14, 1986, see section 23(g) of Pub. L. 99–653, set out as a note under section 1481 of this title.

Effective Date of 1981 Amendment

Right of Expatriation

Provisions preserving the right and disavowal of foreign allegiance, see note under section 1481 of this title.


Section 1484, act June 27, 1952, ch. 477, title III, ch. 3, §352, 66 Stat. 269, related to loss of nationality by naturalized national by continuous residence for 3 years in the territory or foreign state of which the individual was a former national or in which his place of birth was situated or continuous residence for 5 years in any other foreign state or states.


Section 1486, acts June 27, 1952, ch. 477, title III, ch. 3, §§354, 66 Stat. 271; Aug. 4, 1959, Pub. L. 86–129, §§2, 3, 73 Stat. 274; Sept. 26, 1961, Pub. L. 87–301, §20, 75 Stat. 656, provided exceptions for certain persons from loss of nationality by continuous residence for five years in any foreign country of which the individual was not a national or in which his place of birth was situated.


§1488. Nationality lost solely from performance of acts or fulfillment of conditions

The loss of nationality under this part shall result solely from the performance by a national of the acts or fulfillment of the conditions specified in this part.