

The Plight of Renouncing United States Citizenship within the U.S.



It is not often I meet a person who wants to renounce United States citizenship, at least within the U.S. People generally renounce citizenship outside the U.S. where they can attend an embassy. United States embassies have designated departments handling such matters regularly.

Recently, I was sitting at my desk when a call came in. The caller had received U.S. citizenship the day before, but immediately regretted the decision because in doing so, she lost citizenship in her home country. I somewhat understood her motions, though.

When I became a U.S. citizen last year, I remember my ears perking up when I was invited to the stage as “Tahmina Watson, former citizen of the United Kingdom”. *Former* citizen- a powerful phrase I would say, particularly in the solemn atmosphere and setting of an oath ceremony. However, the difference for me is that the United Kingdom allows dual citizenship. Therefore, I was not concerned by this announcement, and could proudly become a U.S. citizen.

But when my client heard the same announcement echoing throughout the large room, the reality of her situation sank in. The Indian Citizenship Act of 1955 does not allow dual citizenship. Under Indian law, persons of Indian origin who acquire foreign citizenship are required to surrender their Indian passports to the nearest Indian Mission/Post within three months, and should obtain a Surrender Certificate. Under the Indian Passport Act of 1967, it is a punishable offence to obtain or hold an Indian passport or travel document, or suppress information about nationality, after acquiring foreign citizenship.

As a *former* Indian citizen, my client’s concerns were now rather serious. She cannot own certain property in India, and her dependent child cannot remain Indian citizens, because now both she and her husband are U.S. citizens. Although she could apply for an Overseas Indian Card (OIC), the rights under that status are significantly diminished.

While I did wonder why she would not research the practical implications of acquiring U.S. citizenship, I agreed that her concerns were quite legitimate. It seems she didn’t appreciate the enormity of her actions until it was too late.

The question now is, what can she do? It turns out that the matter is not at all simple. One cannot in fact renounce U.S. citizenship from within the United States, except in certain circumstances. In addition, while the United States Citizenship and Immigration Service (USCIS) is responsible for the naturalization process, it does not have jurisdiction to accept renunciations. That responsibility falls within the purview of the U.S. Department of State. There are additional problems. If she were to renounce U.S. citizenship, she does not automatically revert back to being a legal permanent resident, a status she held with great



pride for many years. She would now have to reapply for legal permanent residence status, which may or may not come with some challenges.

In sum, it is extremely important to understand the citizenship laws of your home country before applying for United States citizenship, as the situation you may find yourself in may not be what you had anticipated. Usually, your home country embassy will have important information in this regard that can help you make a decision.

In the event that you do want to renounce U.S. citizenship, it is important you consult with both an immigration attorney and tax attorney to navigate you through the various issues that will affect your status.

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