

7 FAM 1260
RENUNCIATION OF U.S. CITIZENSHIP ABROAD

(CTCON-907; 04-23-2021)
(Office of Origin: CA/OCS)

7 FAM 1261 INTRODUCTION

(CTCON-907; 04-23-2021)

- a. A written renunciation of U.S. citizenship (INA 349(a)(5), 8 U.S.C. 1481(a)(5)) before a U.S. consular officer in the form prescribed by the Secretary of State is a very serious decision.
b. Who may administer oath of renunciation.
c. Renunciation must conform to the precise requirements of INA 349(a) and 22 CFR 50.50 in order to be valid.
d. Comprehension.
e. Intent.

- f. Voluntariness: If the individual is operating under actual duress, coercion, or undue influence, you should not administer the Oath of Renunciation.
g. Renunciation and statelessness.
h. Potential Renunciants Who Claim a Right of Continuing Residence in the United States.

Irrevocable nature of renunciation and Would-be Temporary Renunciants. Many foreign countries now require individuals to divest themselves of other nationalities that they may possess before granting them nationality or permitting them to enjoy the benefits nationals receive.

7 FAM 1262 INTERVIEW WITH POTENTIAL RENUNCIANT

7 FAM 1262.1 Threshold Questions

(CTCON-586; 07-06-2015)

- When an individual approaches you attempting to renounce U.S. citizenship, you should:
(1) Verify that the potential renunciant is a U.S. citizen;
(2) Clear the individual's name in the Consular Lookup and Support System (CLASS);
(3) Review the PIERS, PLOTS and ACS automated systems for any previous case history.

7 FAM 1262.2 Initial Information Session/Interview with Potential Renunciant

(CTCON-907; 04-23-2021)

- a. Public information: Provide the individual with a copy(ies) of the following brochures available on the Department of State Bureau of Consular Affairs Web site.
(1) Renunciation of U.S. Nationality.
(2) Renunciation of U.S. Citizenship by Person Claiming a Right of Residence in the United States;
(3) Advice About Possible Loss of U.S. Nationality and Dual Nationality.
b. Consequences: Explain the serious consequences of renunciation as summarized in Form DS-4061, Statement of Understanding Concerning the Consequences and Ramifications of Relinquishment or Renunciation of U.S. Citizenship.
c. Reflection: Inform the individual to think over whether he or she truly wishes to renounce U.S. nationality, and, if so, to schedule an appointment for the renunciation ceremony.
d. Telephonic Interview.
e. Electronic Initial Information Session.

7 FAM 1262.3 Second Interview/Site of Renunciation

(CTCON-586; 07-06-2015)

- a. Second Interview: If the initial interview with the potential renunciant was conducted by telephone or electronically, during the second interview the consular officer should repeat the explanation of consequences prescribed in 7 FAM 1262.2b and the DS-4061, and the potential renunciant should confirm his or her understanding of the consequences as outlined during the telephonic, electronic or in-person initial interview.
b. Consular Officer Discretion.
c. Setting: Renunciation procedures should always be held at post in a setting that reminds the renunciant of the gravity of the consequences.
d. U.S. flag.
e. Stand and raise right hand.
f. In order for the consular officer to ascertain whether the renunciant's action in relinquishing his or her U.S. citizenship is a product of his or her own free will, a parent, guardian, attorney, legal representative, or other representative should not participate in any interview, including a telephonic one, conducted by the official of the oath of renunciation.

7 FAM 1262.4 Documentation of Renunciation

(CTCON-599; 08-20-2015)

- a. Under Federal regulations at 22 CFR 22.1, an administrative processing fee applies to documenting renunciation of U.S. nationality. The fee should be collected after the individual has decided to proceed with the renunciation and has arrived at post to take the oath of renunciation.
b. As prescribed in 7 FAM 1264, you will need two (2) copies of each of the required documents, which are in fact two original sets of documents, each containing the requisite original signature(s).
c. NOTE: Failure to sign the Form DS-4061 will prevent the renunciation or relinquishment from being approved.
d. Next, the renunciant must read Form DS-4060, Oath/Affirmation of Renunciation of the Nationality of the United States, and then sign it.
e. In cases where the renunciant does not understand English and witnesses are required, the witnesses should sign Form DS-4062, Witnesses' Attestation Renunciation/Relinquishment of Citizenship.

Renunciation of U.S. Citizenship. No amendments, deletions, or additions are permitted on Form DS-4060, Oath/Affirmation of Renunciation of the Nationality of the United States.

any statement of reasons for renouncing must be made in a separate affidavit or a signed written statement, which should be made part of the record. If the person does not understand English this should also be witnessed.

i. You may keep a detailed written record of every interaction with the renunciant, and, following the renunciation, must provide a signed Consular Officer's Opinion to CA/OCS/ACS. This opinion should include the consular officer's assessment of the renunciant's state of mind.

See 7 FAM 1220 regarding preparation of the Certificate of Loss of Nationality, and disposition of evidence of citizenship (passport, naturalization certificate, certificate of citizenship, etc.). 7 FAM 1227 provides specific guidance regarding disposition of passports.

7 FAM 1263 TRANSLATIONS, INTERPRETERS AND WITNESSES

(CTCON-586; 07-06-2015)

- a. The need for translations, interpreters, and witnesses for renunciants arises when a potential renunciant cannot read or when the renunciant's comprehension of English is in question.
(1) If the renunciant cannot read but speaks English:
(2) If the renunciant can neither read nor speak English but can read or speak another language:
(3) If the renunciant speaks a language other than English but cannot read:

b. Copies of translated documents (Statement of Understanding, Oath of Renunciation) in locally spoken languages should be kept at post for future cases of non-English speaking renunciants.

7 FAM 1264 DISPOSITION OF DOCUMENTS AND DEPARTMENT APPROVAL

(CTCON-586; 07-06-2015)

- a. 7 FAM 1220 provides guidance about preparation of the loss-of-nationality packet and transmittal to the Department.
b. You should prepare two (2) original signed and sealed copies of the entire renunciation package.
(1) Form DS-4063, Certificate of Loss of Nationality of the United States;
(2) Form DS-4080, Oath/Affirmation of Renunciation of the Nationality of the United States;
(3) Form DS-4061, Statement of Understanding Concerning the Consequences and Ramifications of Relinquishment or Renunciation of U.S. Citizenship;
(4) Form DS-4062, Witnesses' Attestation Renunciation/Relinquishment of Citizenship, to be used only when the person relinquishing or renouncing citizenship does not speak English.



Note: While Form DS-4079, Request for Determination of Possible Loss of United States Citizenship, is not standard or typically necessary for renunciation cases, where there is a question about intent it may prove useful.

7 FAM 1265 RENUNCIATION AND SPECIAL CIRCUMSTANCES

(CTCON-586; 07-06-2015)

- a. For information regarding loss of nationality of minors, prisoners, persons of questionable mental competence or with a mental or developmental disability, criminal defendants or convicts in plea-bargain cases, members of cults, and other special circumstances, see 7 FAM 1220.
b. Questions about military service, criminal liability and extradition, and liability for civil obligations including child support should be directed to the appropriate agency with expertise.

7 FAM 1266 RENUNCIATION AND TAXATION

(CTCON-586; 07-06-2015)

- a. If a would-be renunciant indicates a desire to renounce U.S. citizenship for the purpose of tax avoidance, (see INA 212(a)(10)(e) and any pertinent guidance adopted by the Department), you should consult 7 FAM 1262.4(f) regarding recording in the consular officer opinion of the purpose stated by the renunciant, and should inform the person that:
(1) Renunciation may not exempt him or her from U.S. income taxation; and
(2) If the Department of Homeland Security determines that the renunciation is motivated by tax avoidance purposes, the individual will be found inadmissible to the United States under Section 212(a)(10)(E) of the Immigration and Nationality Act (INA 212(a)(10)(E), 8 U.S.C. 1182(a)(10)(E)), as amended.

c. As noted above, questions about expatriation and taxation should be directed to the IRS or IRS website. Consular officers are not in a position to provide any advice or answer any questions about taxation.

7 FAM 1267 RENUNCIATION AND THE BRADY ACT

(CTCON-586; 07-06-2015)

- a. The Brady Handgun Violence Prevention Act (Brady Act) of 1993, Public Law 103-159—Persons Who Renounce U.S. Citizenship Ineligible to Purchase Firearms and the FBI that it is unlawful to sell firearms to persons for whom a finding of loss of nationality due to renunciation has been made.
b. Subsequent laws have extended this restriction to the transporting of hazardous materials by renunciants and other activities.
c. For additional information, see 7 FAM 1244.

7 FAM 1268 CHECKLIST

(CTCON-586; 07-06-2015)

- When an individual approaches a post claiming the desire to renounce his or her U.S. citizenship, you should:
(1) Confirm the individual's U.S. citizenship;
(2) Provide the brochures listed in 7 FAM 1262.2a;
(3) Counsel the individual about the extremely serious and irrevocable consequences attendant to the renunciation of U.S. citizenship and advise her or him to schedule an appointment with post to renounce citizenship only after having reflected seriously on the matter.
(4) If the individual decides to proceed, have the individual execute:
(a) Form DS-4060, Oath of Renunciation of the Nationality of the United States;
(b) Form DS-4061, Statement of Understanding Concerning the Consequences and Ramifications of Relinquishment or Renunciation of U.S. Citizenship; and
(c) Form DS-4079, Request for Determination of Possible Loss of United States Citizenship, (as appropriate).
d. Scan as a single PDF file and transmit, using the ACS system, one original paper set of the CLN, the Oath/Affirmation of Renunciation, Statement of Understanding, consular officer opinion, and all other pertinent documentation (including any Witnesses' Statement and any statement by the renunciant of reasons for the renunciation) to the appropriate geographic branch or U.S. Citizenship through (birth in the United States/birth abroad to U.S. citizen parent's) naturalization of the renunciant.
e. The CLN is approved, put the official stamp attesting to departmental approval on the two original CLNs, and provide one original paper copy of the CLN package to the individual by registered mail.
f. Follow the guidance at 7 FAM 1220, in particular 7 FAM 1227(f), and 1229 regarding disposition of the U.S. passport, naturalization certificate, certificate of citizenship, and consular report of birth abroad.

7 FAM 1269 SAMPLE CONSULAR DOCUMENTS IN A RENUNCIATION CASE

(CTCON-586; 07-06-2015)

a. Sample Consular Officer Opinion in a Renunciation Loss of Nationality Case:

Sample Consular Officer Opinion document containing fields for date, TO: Department of State - CA/OCS/ACS/GEOGRAPHICAL DIVISION, FROM: U.S. Post - CONS/ACS - Consular Officer name, SUBJECT: CITIZENSHIP: Renunciation and Loss of Nationality, ALIASES, OTHER NATIONALITIES HELD, Consular Officer recommendation, and signature.

b. Sample Consular Electronic Information Session Provided to a Proposed Renunciant:

Sample electronic information session transcript containing instructions, document lists, and contact information for the consular officer.