

7 FAM 1220 PREPARATION OF CERTIFICATE OF LOSS OF NATIONALITY (CLN)

(TL:CON-5; 3-30-84)

7 FAM 1221 DEVELOPMENT AT POST OF POTENTIAL LOSS OF CITIZENSHIP CASES

a. The consular officer is required to gather evidence in all cases involving possible loss of citizenship and to submit certain categories of cases, including all those in which loss of citizenship is believed to have occurred, to the Department for a decision. A decision that a person has, in fact, lost U.S. citizenship may not be made at post but only, in accordance with Section 358 INA, may be made by the Department. Posts should transmit the facts upon which the decision will be made to the Department by either telegram or memorandum. The Department's decision to make a finding that loss of citizenship has occurred is evidenced by its approval of a Certificate of Loss of Nationality (CLN) in the person's name.

b. When a consular officer finds that all elements necessary to establish loss of citizenship are present or the citizen has unequivocally admitted in writing an intent to lose citizenship, the officer completes and sends a CLN to the Department (see sample form in 7 FAM 1221 Exhibit 1221b). Uncontested cases are those in which the performance of the act, its voluntariness, and its performance with the requisite intent to relinquish citizenship are not in dispute.

c. In addition to sending to the Department for approval all uncontested cases, as required by section 7 FAM 1221 b, the consular officer must develop and send to the Department all cases arising under certain potentially expatriating statutes, as discussed in section 7 FAM 1218.1 c. These consist of the statutory acts named in section 7 FAM 1218.1 a.

d. Contested cases involving the statutory acts listed in section 7 FAM 1217.2 need not be referred to the Department but may be resolved at post, as outlined in section 7 FAM 1217.3 .

e. When a decision has been made at post to prepare a CLN, an original and 3 copies should be completed. The original and 2 copies should be submitted to the Department (to the appropriate geographic area of CA/OCS/CCS) under cover of a memorandum. The other copy should be retained at post.

f. If the post requires an urgent decision, it may choose to telegraph the facts, an analysis, and recommendation to the Department. If sufficient information is provided, the Department will telegraph back to post whether a CLN will be approved in the case.

7 FAM 1222 DEPARTMENT HANDLING OF CLNS

a. Upon receipt of a loss of citizenship case from a post, the Department will decide whether the CLN will be approved. If a finding is made that loss of citizenship has not occurred, the post will be notified, usually by telegram, and should so inform the individual.

b. If the Department considers the evidence sufficient to hold loss of citizenship, the post will be advised and a copy of the approved CLN sent to it for forwarding to the person concerned. Because of the importance attached to showing that the person was so notified, the consular officer must create a record establishing that the person received a copy of the CLN, by a memorandum showing hand delivery of the copy to the expatriate or a registered mail receipt showing proof of delivery to the person who signed the receipt. Evidence that the expatriate received a copy of the CLN should be sent to the Department.

7 FAM 1223 THROUGH 1229 UNASSIGNED

7 FAM 1221 Exhibit 1221b

Sample of the Certificate of Loss Nationality of the United States

(Page 1 of 2)

Sample of the Certificate of Loss of Nationality of the United States

DEPARTMENT OF STATE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA CERTIFICATE OF LOSS OF NATIONALITY OF THE UNITED STATES	
This form is prescribed by the Secretary of State pursuant to Section 501 of the Act of October 14, 1940 (54 Stat. 1171) and Section 358 of the Act of June 27, 1952 (66 Stat. 272).	
Consulate <u>General</u> of the United States of America at <u>Toronto, Canada</u>	DEPARTMENT USE ONLY
SS: I <u>George J. Sanders, Consul</u> (Name) herby certify that, to the best of my knowledge and belief, <u>Jane B. Donjieux</u> (Name) was born at <u>Burlington Vermont</u> (Town or City) (Province or County) <u>U.S.A.</u> on <u>May 25, 1949</u> (State or Country) (Date) That she was born resided in the United States from birth to 1960; That she resides at <u>26 Spring Street, Downsview, Ontario, Canada M3M 2S3</u> ; That she acquired the nationality of the United States by virtue of <u>her birth in</u> <u>the United States</u> That she acquired the nationality of <u>Canada</u> by virtue of <u>her naturalization in Canada</u> That she <u>was naturalized as a citizen of Canada on March 8</u> (The action causing expatriation should be set forth succinctly) That she thereby expatriated herself on <u>March 8, 1983</u> under the provisions of Section <u>349 (a) (1)</u> of (the Nationality Act of 1940)* (the Immigration and Nationality Act of 1952)* That the evidence of such action consists of the following: As below That attached to and made a part of this certificate are the following documents or copies thereof: <u>Statement of March 10, 1983 from Canadian Citizenship Authorities.</u>	
In testimony whereof, I have hereunto subscribed my name and affixed my office seal this <u>12th</u> day of <u>May</u> , 19 <u>83</u> .	
(SEAL)	<u>George J. Sanders</u> George J. Sanders (Signature) <u>Consul</u> (Title)
* Strike out inapplicable item.	

Sample of the Certificate of Loss of Nationality of the United States — Continued

FORM FS-348

Page 2

APPEAL PROCEDURES

Any holding of loss of United States nationality may be appealed to the Board of Appellate Review in the Department of State. The regulations governing appeals are set forth in Title 22 Code of Federal Regulations, Sections 50.60 - 50.72. The appeal may be presented through an American Embassy or Consulate or through an authorized attorney or agent in the United States.

Unless you have new or additional evidence to submit, or you believe that the holding of loss of nationality was contrary to the law or to the facts in your case it is unlikely that an appeal will be successful.

Your appeal must clearly show the basis upon which it is made. If it contains statements of facts and circumstances which you did not mention when your case was previously considered or which are different from the facts and circumstances shown previously you should support these new statements with the best evidence obtainable. Any statements by you or by other persons in your behalf should be sworn to before an official authorized to take oaths. To be of most benefit to you those statements should be supported whenever possible by official records or statements of foreign government officials, or whatever other documentary evidence may be appropriate and available.

For additional information about appeals and to obtain copies of the provisions of the Code of Federal Regulations, consult the nearest American Embassy or Consulate or the Board of Appellate Review, Department of State, Washington, D. C. 20520.

