

Constitutional Constraints on Denaturalization

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In the latest in what has become a clear pattern of retaliation against this Administration's perceived political enemies, the Trump administration initiated an investigation into Representative Ilhan Omar in an effort to denaturalize her.¹ **Denaturalization is the legal mechanism by which the federal government can revoke citizenship from naturalized U.S. citizens.** While Rep. Omar is the most recent and high-profile target, recent enforcement initiatives, rhetoric, and proposed federal legislation from the Trump Administration and its allies in Congress have ignited concerns that denaturalization and threats of denaturalization may once again be weaponized to chill political expression and discourage participation in civic life.

The Trump Administration is not the first to weaponize denaturalization against ethnic, racial, cultural, or political minority groups and to suppress disfavored political speech.² At multiple times in American history, the federal government has used denaturalization as an ideological tool, targeting individuals for their political affiliations, dissenting views, and disfavored associations. The Supreme Court has responded to this weaponization of denaturalization by establishing stringent constitutional limits on its use. These limits reflect the principle that naturalized citizens enjoy the same First Amendment protections as U.S.-born citizens, and citizenship cannot be conditioned on ideological conformity.

Nevertheless, though denaturalization had appropriately become an increasingly rarely used tool over the last century, the Trump Administration has devoted significant resources toward expanding its use.³ And on October 12, 2026, the Administration targeted Rep. Omar by executing a search

¹ Ernesto Londoño, Alan Feuer, & Devlin Barrett, *Justice Dept. Issues Subpoenas in Ilhan Omar Investigation*, N.Y. Times (Oct. 13, 2026), <https://www.nytimes.com/2026/10/13/us/politics/justice-dept-ilhan-omar-subpoenas.html>.

² Weaponizing citizenship stripping has long been a hallmark of authoritarianism and of fascist regimes. Specifically, the targeting of racial, ethnic, or religious minority groups and of members of the opposition/minority party appear frequently throughout history as authoritarian tools of repression, intimidation, and retribution. Indeed, citizenship stripping for a politically-motivated or discriminatory purpose is a human rights violation. See G.A. Res. 217 (III) A, Universal Declaration of Human Rights, Art. 15 (Dec. 10, 1948); see also U.N. Secretary-General, *Human rights and arbitrary deprivation of nationality*, ¶ 4, U.N. Doc. A/HRC/25/28 (Dec. 19, 2013). As recently as 2023, the U.S. Department of State condemned the practice of stripping citizenship from political opponents, acknowledging that the Universal Declaration of Human Rights protects the right to nationality. See Press Release, U.S. Dep't of State, *Nicaragua's Move to Strip Citizenship from 94 Political Opponents* (Feb. 16, 2023) (archived at <https://2021-2025.state.gov/nicaraguas-move-to-strip-citizenship-from-94-political-opponents/>).

³ Memorandum from Brett A. Shumate, Assistant Attorney General on Civil Division Enforcement Priorities (June 11, 2025), <https://www.justice.gov/civil/media/1404046/dl>; Hameed Aleaziz, *Trump Administration Aims to Strip More Foreign-Born*

warrant of her Washington, D.C.-area home.⁴ Executed less than a month before the November 2026 election, the search warrant for Rep. Omar's home lists and series of potential immigration crimes and is part of a larger effort seeking to strip Rep. Omar of her U.S. citizenship and, ultimately, potentially remove her from the country.⁵

In light of these recent events, it is now clear that President Trump, the Department of Justice, and the Trump Administration intend **to wield denaturalization as a mechanism for targeting, intimidating, and suppressing the First Amendment rights of political opponents.**

Repeatedly stripping citizenship from minority groups and political opponents is a democratic crisis. No one should be rendered stateless for political fodder. To sustain a healthy democracy, citizenship must not be subject to the political, retributive whims of those temporarily in control of the White House and the Department of Justice.

At bottom, denaturalization cannot be used to target political adversaries or ethnic, racial, or religious minorities, or to render naturalized or derived U.S. citizens second-class citizens.

Campaign Legal Center's Analysis:⁶

- 1 | Explains the legal framework governing denaturalization, with a focus on civil denaturalization;**
- 2 | Traces the historical use of denaturalization from the 19th century to present;**
- 3 | Outlines the constitutional principles that constrain its use; and,**
- 4 | Identifies concerning trends in recent federal government actions weaponizing denaturalization as a tool for repression.**

“The very nature of our free government makes it completely incongruous to have a rule of law under which a group of citizens temporarily in office can deprive another group of citizens of their citizenship.”

Americans of Citizenship, New York Times (Dec. 17, 2025), <https://www.nytimes.com/2025/12/17/us/politics/trump-immigration-citizenship-denaturalization.html>.

⁴ Devlin Barrett, et al., *Homeland Security Agents Search Home of Rep. Ilhan Omar*, N.Y. Times (Oct. 12, 2026), https://www.nytimes.com/2026/10/12/us/politics/ilhan-omar-home-searched.html?eafs_enabled=false.

⁵ John McCormick, Michelle Hackman, & Sadie Gurman, *Ilhan Omar Investigation Aims to Build Case for Stripping Her Citizenship*, Wall Street Journal (Oct. 14, 2026), https://www.wsj.com/politics/policy/ilhan-omar-investigation-aims-to-build-case-for-stripping-her-citizenship-6adf1edc?mod=hp_lead_pos8.

⁶ This document is not legal advice; it is intended to present a summary of relevant federal law.

United States Supreme Court, Afroyim v. Rusk (1967)

1. The Legal Framework Behind Denaturalization

Under current law, the federal government's denaturalization authority is limited. Typically, the denaturalization process begins when U.S. Citizen and Immigration Services (USCIS) refers cases for denaturalization to the Department of Justice (DOJ) based on "sufficient evidence" that a person is subject to one of the statutory grounds of denaturalization (described further below).⁷ If the U.S. Attorney acts on a referral, the DOJ has discretion to choose whether to file a civil denaturalization suit or criminal charges for revocation of citizenship in federal district court,⁸ but the federal government has increasingly relied more on civil denaturalization proceedings.⁹

Denaturalization may occur only by judicial order.¹⁰ When the court grants the federal government's request for denaturalization, the individual who is the subject of the proceedings reverts back to the immigration status they held immediately prior to naturalization. Further proceedings may lead to the court issuing a removal order requiring deportation. Denaturalization is effective as of the original date on the individual's naturalization certificate. 8 U.S.C. § 1451(a).

Civil denaturalization is the more common revocation of citizenship proceeding brought by the federal government.¹¹ The U.S. Attorney initiates a civil denaturalization action by filing a civil

⁷ U.S. Citizenship and Immigration Servs., Policy Manual Vol. 12, Pt. L, Ch. 1 (effective Feb. 26, 2025).

⁸ See 8 U.S.C. §§ 1451(a), (e); 18 U.S.C. § 1425.

⁹ In 2017, government officials in the Trump administration wrote in the U.S. Attorneys' Bulletin that filing civil proceedings rather than criminal actions offers several "benefits," including lower evidentiary burdens and broader range of conduct for which proceedings could be brought. Cassandra Burke Robertson and Irina D. Manta, UnCivil Denaturalization, 94 N.Y.U. L. Rev. 404, 405 (2019); Anthony D. Bianco et al., Civil Denaturalization: Safeguarding the Integrity of U.S. Citizenship, U.S. Att'ys' Bull., July 2017, at 8, <https://perma.cc/D9ZV-QC2H>. For the same reasons that Trump administration officials view the process as beneficial, civil denaturalization is more ripe for exploitation by bad actors in the federal government. This analysis will focus on the historical use of, and laws and guidance governing, civil denaturalization.

¹⁰ See 8 U.S.C. §§ 1451(a), (e); 18 U.S.C. § 1425.

¹¹ The U.S. Attorney's Office initiates criminal denaturalization proceedings by filing criminal charges in federal district court under 18 U.S.C. § 1425. If a court convicts a naturalized citizen under 18 U.S.C. § 1425, it must also revoke the individual's naturalization under 8 U.S.C. § 1451(e) in the same action. Section 1425 criminalizes one who "knowingly procures or attempts to procure, contrary to law, the naturalization of any person, or documentary or other evidence of naturalization or of citizenship." Section 1425 also provides sentencing guidelines for naturalization fraud convictions that are tied to terrorism or drug trafficking. Criminal denaturalization charges have a 10-year statute of limitations. Because of the higher evidentiary standard and more severe penalties, criminal denaturalization is typically pursued when the underlying conduct is independently chargeable as a federal crime (e.g., terrorism activity, human rights violations, serious felonies, largescale fraud schemes). For the same reasons, the federal government (and, in particular, the Trump Administration) has favored filing civil denaturalization proceedings over criminal charges

complaint in federal court under 8 U.S.C. § 1451(a). The complaint must allege that an individual is subject to one of the two general grounds for denaturalization described below.

A. ILLEGAL PROCUREMENT

Naturalization is “illegally procured” and thus subject to revocation if the applicant was ineligible at the time of naturalization because they failed to satisfy one of the statutory requirements of naturalization.¹² Because this analysis is focused on whether the applicant was statutorily eligible at the time—and not on any steps the applicant took to appear eligible when they were not—illegal procurement does not require a concealment or misrepresentation of any kind.¹³ When considering a denaturalization action on the grounds of illegal procurement, the court will consider whether the applicant satisfied all of the requirements found in the statute at the time they obtained citizenship:

- 1) The applicant was a lawful permanent resident of the U.S. for the five years (or three years if applying as the spouse of a United States citizen) immediately preceding the date of filing and up to the date of naturalization;**
- 2) They were a person of good moral character during all of the five (or three) year period;**
- 3) They were physically present in the U.S. for at least half of the five (or three) year period;**
- 4) They resided continuously in the U.S. as a lawful permanent resident for the five-year period (or three-year period) immediately preceding the date of filing and up to the time of naturalization; and**
- 5) During the five- or three-year period was “attached to the principles of the Constitution of the United States, and well-disposed to the good order and happiness of the United States.” 8 U.S.C. § 1427.**

While Congress has imposed several requirements that an applicant must satisfy in order to naturalize, according to a 2017 DOJ report, violation of three such requirements most often warrants revocation for illegal procurement: “(1) the person must have been previously lawfully admitted for

¹² See 8 U.S.C. § 1451(a).

¹³ See, e.g., *U.S. v. Sokolov*, 814 F.2d 864, 866 (2d Cir. 1987) (“Under section 340(a), a person who has been admitted to citizenship may be denaturalized if the order admitting him and his certificate of naturalization ‘were illegally procured or were procured by concealment of a material fact or by willful misrepresentation.’”); *U.S. v. Jean-Baptiste*, 395 F.3d 1190, 1193 (11th Cir. 2005) (the question before the court in an illegal procurement matter is whether the individual pursued citizenship without possessing the requisite good moral character and not to determine whether he committed fraud).

permanent residence; (2) the person must establish good moral character; and (3) the person must not have been a member of certain political parties or an advocate of certain political positions.”¹⁴

In February 2015, the U.S. District Court for the Northern District of Texas revoked the citizenship of a naturalized citizen from South Korea after he admitted to smuggling women for forced labor, an act that reflected poor moral character. The court denaturalized him because his conduct of obtaining forced labor during the requisite time period should have barred him from citizenship because it demonstrated that he was not a person of good moral character—even though he had not been convicted at the time of his naturalization and so did not conceal a conviction.¹⁵

B. CONCEALMENT OR WILLFUL MISREPRESENTATION

In addition to and independent from the illegal procurement ground of denaturalization, the civil statute provides that a naturalized U.S. citizen can be denaturalized where the applicant procured their naturalization by “concealment of a material fact or by willful misrepresentation.”¹⁶ Unlike illegal procurement, this ground for denaturalization focuses on what the individual did to appear eligible when they were not. There are four requirements to show that naturalization was procured by concealment of a material fact or willful misrepresentation: the applicant must have made a (1) willful; (2) concealment or misrepresentation; (3) of a material fact; (4) to procure naturalization.¹⁷ Concealing or misrepresenting a fact is “material” if it had a “natural tendency” to mislead the government official; and such a statement is said to have such a “natural tendency” if honest representations would have disclosed facts relevant to the applicant’s eligibility.¹⁸ Misrepresentation creates a presumption that it “procured” naturalization only if the record creates a “fair inference” that a ground of ineligibility actually existed.¹⁹

Willful misrepresentation and concealment are treated similarly and often considered together. The government can demonstrate willful misrepresentation by pointing to the signature on the N-400 application itself, by which the applicant certifies that the contents of the application are correct if the element of concealment is also present. Concealment can include false statements or omissions such as providing false personal identifying information, failing to disclose criminal history, or misstating employment history to prevent an adjudicator from learning on an applicant’s real

¹⁴ U.S. Dept. of Justice, Civil Immigration Enforcement, Office of Immigration Litigation Dist. Ct. Section, 65 n. 3 (June 2017) at 10, *available at* <https://perma.cc/D9ZV-QC2H>.

¹⁵ *United States v. Chang*, No. 14-cv-1173 (N.D. Tex. Feb. 25, 2015), *aff’d*, 633 F. App’x 601 (5th Cir. 2016).

¹⁶ 8 U.S.C. § 1451(a).

¹⁷ *See Kungys v. United States*, 485 U.S. 759, 767 (1988).

¹⁸ *Kungys*, 485 U.S. 759 at 767; *see also United States v. Hirani*, 824 F.3d 741 (8th Cir. 2016) (revoking citizenship because of omissions on naturalization application).

¹⁹ *See, e.g., United States v. Latchin*, 554 F.3d 709, 714 (7th Cir. 2009).

business activity.²⁰ To justify revocation of naturalization on the ground that an individual procured naturalization through willful misrepresentation, the government is not required to prove intent to deceive, but rather must demonstrate only that the naturalized citizen, when applying for naturalization, had willfully made a representation that does not accord with the facts.²¹ For example, the government has found willful misrepresentation and concealment of a material fact where an individual provided an incorrect name on their application and signed the application to attest that its contents were accurate.²²

2. Denaturalization: 1900 to Present

Denaturalization is now framed as a tool limited to addressing fraud and unlawful procurement of citizenship, but its historical use was much broader. The federal government frequently brought civil actions for the revocation of citizenship in the early to mid-twentieth century. Several of these actions involved tying pre-existing naturalization requirements to more explicit political goals. The government at that time had broad discretion to bring denaturalization proceedings which, when combined with the high likelihood of administrative error during the naturalization process, allowed the government to target specific individuals.²³

Therefore, while modern denaturalization actions must be based on the limited statutory grounds of illegal procurement or concealment or misrepresentation of a material fact, many of the Supreme Court's landmark denaturalization cases did not arise from traditional fraud; they arose from situations where the federal government attempted to strip citizenship based on speech, ideas, and associations, demonstrating how easily the statutory scheme can be weaponized.²⁴

A. EARLY TO MID-TWENTIETH CENTURY DENATURALIZATIONS

In 1906, Congress enacted the Naturalization Act, which provided uniform procedures for granting citizenship. The Act also provided the first statutory mechanism for denaturalization, authorizing U.S. attorneys to file suit to revoke citizenship “on the ground of fraud, or on the ground that . . . citizenship was illegally procured.”²⁵ In addition to providing this statutory mechanism, the Act also established new requirements for citizenship and for the first time connected eligibility for

²⁰ See *Costello v. United States*, 365 U.S. 265, 267–68 (1961); *Hirani*, 824 F.3d 741, 749; *United States v. Arango*, 670 F.3d 988, 995 (9th Cir. 2012) (citing *Espinoza v. INS*, 554 F.2d 921, 925 (9th Cir. 1977)).

²¹ *Hirani*, 824 F.3d at 749.

²² See *U.S. v. De Lucia*, 256 F.2d 487, 490 (7th Cir. 1958) (citing to cases where “use by an alien of an assumed name to gain entry into the United States” and “conceal[ing] from the government his criminal record is a ground for refusing naturalization or for ordering denaturalization”).

²³ *Id.*

²⁴ Brennan Ctr. For Justice, *How the Supreme Court Rejected Denaturalization as a Political Weapon Long Ago* (Nov. 26, 2025), available at <https://perma.cc/UG8D-7GTD>.

²⁵ Naturalization Act of 1906, Pub. L. No. 59-338, 34 Stat. 596.

naturalization to an evaluation of an applicant's political beliefs. Rather than making a determination based solely on the length of residence or willingness to take an oath of citizenship, federal attorneys were permitted to consider whether an applicant's perceived beliefs aligned with what it meant to be American.²⁶

In the period following 1906, the ties between citizenship and political activity grew. Congress adopted several additional statutes tying citizenship to race and gender, including statutes stripping citizenship from women who married immigrant men and prohibiting people of Asian descent from becoming naturalized.²⁷ As a result of these and other statutes, racial minorities and women had an outsized risk of losing their citizenship during this time period. For example, in 1919, the federal government denaturalized and deported Emma Goldman, a controversial activist and anarchist, despite the fact that she seemed to have a valid claim to citizenship.²⁸ DOJ first unsuccessfully tried to deport her, but this failed because she had lived in the United States since she was seventeen and married Jacob Kersner, an immigrant who was naturalized in 1884. In its second attempt, DOJ targeted her by investigating and canceling the citizenship of Kersner, whose application did contain inconsistencies related to the five-year residency requirement. Goldman and Kersner were deported in 1919, under the Anarchist Exclusion Act, a rule that allowed the United States to banish foreign activists.²⁹ Just a few years later, in *United States v. Bhagat Singh Thind*, the federal government successfully brought a denaturalization action against several Indian-born men who the government alleged illegally procured citizenship because they identified themselves as Aryan on their application but were found not to be white.³⁰ As a result, some of these individuals' U.S.-born wives automatically lost their citizenship as well, rendering them stateless.³¹

The federal government also brought denaturalization actions targeting alleged communists, anarchists, Nazi-sympathizers, pacifists and individuals generally viewed as disloyal to the United States. In the 1940s, the federal government focused on studying cases of disloyalty among naturalized citizens, describing denaturalization as "a most important weapon in dealing with organized subversive and disloyal activities."³² During this time, the government also expanded the activities by which citizenship could be lost for both U.S.-born and naturalized citizens, including grounds such as accepting employment with a foreign government, residing outside of the country,

²⁶ Aram A. Gavoort & Daniel Miktus, *Snap: How the Moral Elasticity of the Denaturalization Statute Goes Too Far*, 23 Wm. & Mary Bill Rts. J. 637, 649-50 (2015) (describing the legislative history of the Naturalization Act of 1906).

²⁷ Act of March 2, 1907, Pub. L. No. 59-193, § 3, 34 Stat. 1228; see also *Mackenzie v. Hare*, 239 U.S. 299, 312 (1915) ("[C]itizenship is of tangible worth, and we sympathize with plaintiff in her desire to retain it [But] [t]he marriage of an American woman with a foreigner has consequences . . . as long as the relation lasts, it is made tantamount to expatriation.").

²⁸ Cassandra Burke Robertson and Irina D. Manta, *UnCivil Denaturalization*, 94 N.Y.U. L. Rev. 404, 408 (2019).

²⁹ *Id.*

³⁰ 261 U.S. 204, 213-15 (1923).

³¹ See Leti Volpp, *Divesting Citizenship: On Asian American History and the Loss of Citizenship Through Marriage*, 53 UCLA L. Rev. 405, 433-34 (2005).

³² Patrick Weil, *The Sovereign Citizen: Denaturalization And The Origins Of The American Republic*, 100 (2012).

and voting in foreign elections.³³ In 1952, the federal government further expanded denaturalization efforts to counter the perceived communist threat during the Red Scare. For example, the government tried twice to denaturalize Harry Bridges, an Australian born labor leader and alleged communist.³⁴ In total, **historians estimate that more than 22,000 Americans lost their citizenship based on political affiliations, race, and gender in the first half of the twentieth century.**³⁵

B. POST-WAR DECREASE IN DENATURALIZATIONS

The frequent political denaturalizations in the first half of the twentieth century ultimately led to a series of Supreme Court decisions that significantly limited the federal government's denaturalization power.

The Supreme Court's decisions slowed denaturalization actions in the United States to a near halt because they established procedural and constitutional safeguards governing the process.³⁶ These decisions were issued as the American public moved away from post-war nativism and the Red Scare, and government officials reduced their reliance on denaturalization as a political tool.³⁷

Still, in the second half of the twentieth century, the federal government brought a handful of denaturalization cases involving alleged war criminals. For example, in 1981, the government successfully denaturalized Feodor Fedorenko for allegedly serving as a concentration camp guard.³⁸ Similarly, in 1996, the government successfully denaturalized Kazys Gimzauskas for his alleged role in the Lithuanian Security Police during the Nazi era.³⁹ The few other cases filed during this time period had similar fact patterns: the government was limiting its denaturalization actions to individuals accused of serious war crimes.⁴⁰ Because of the narrowed focus on crimes for which few

³³ Nationality Act of 1940, Pub. L. No. 76-853, § 401, 54 Stat. 1137 (1940).

³⁴ Brennan Ctr. For Justice, How the Supreme Court Rejected Denaturalization as a Political Weapon Long Ago (Nov. 26, 2025), *available at* <https://perma.cc/UG8D-7GTD>.

³⁵ Weil, at 179.

³⁶ See *Schneiderman v. United States*, 320 U.S. 118 (1943); *Knauer v. United States*, 328 U.S. 654 (1946); *Bridges v. United States*, 346 U.S. 209 (1953); *Afroyim v. Rusk*, 387 U.S. 253 (1967).

³⁷ See Weil at 139, 178, 180 (noting that the Supreme Court became more active in pushing back against denaturalizations after “the second Red Scare declined,” but that even in cases where it is still available, government officials “substantially reduced” their reliance on it after 1967).

³⁸ See *Fedorenko v. United States*, 449 U.S. 490 (1981).

³⁹ Press Release, U.S. Dep’t of Justice, *Court Revokes U.S. Citizenship of Former Security Police Official in Nazi-Occupied Lithuania*, (June 26, 1998), <https://perma.cc/CPY7-77WN>.

⁴⁰ See *Fedorenko v. United States*, 449 U.S. 490 (1981); see also *United States v. Demjanjuk*, 518 F. Supp. 1362 (N.D. Ohio 1981); *United States v. Sprogis*, 763 F.2d 115 (2d Cir. 1985); *United States v. Linnas*, 527 F. Supp. 426 (E.D.N.Y. 1981); *United States v. Osidach*, 513 F. Supp. 51 (E.D. Pa. 1981); see also *Alleged Nazi War Criminal Hearings Before the Subcomm. on Immigration, Citizenship, and International Law of the House Comm. on the Judiciary*, 95th Cong., 2d Sess., at 102 (1978), *available at* <https://perma.cc/BA47-8CM3>.

individuals meet the criteria, denaturalization actions became vanishingly rare in the latter part of the twentieth century.

C. RESURGENCE OF DENATURALIZATIONS IN THE MODERN ERA

After a period of relative inactivity, the federal government has ramped up denaturalization efforts over the past two decades. Denaturalization had a small resurgence in the 2010s when the Obama Administration initiated Operation Janus after the government realized that it had failed to upload fingerprints from immigration records in the early 1990s to its centralized database, allowing some people to naturalize as U.S. citizens, despite previously being ordered for deportation under a different name.⁴¹ The federal government announced plans to pursue denaturalization in some of those cases, but only for people identified as posing a risk to national security. President Obama left office before anyone was denaturalized as a result of Operation Janus, but the operation continued under the Trump Administration, which expanded it into a full-scale denaturalization program, investigating over 700,000 naturalized citizens.⁴²

In 2017, the Trump Administration brought cases against three individuals identified through Operation Janus who had been deported and subsequently naturalized under different names.⁴³ In 2018, the Trump Administration announced Operation Second Look as a program designed to “address leads received from Operation Janus.”⁴⁴ And in 2020, the Trump Administration created a new Denaturalization Section within DOJ to “investigate and litigate the denaturalization of terrorists, war criminals, sex offenders, and other fraudsters.”⁴⁵ In addition to denaturalization actions targeted at capturing individuals implicated by Operation Janus, DOJ directed the Denaturalization Section to prioritize actions against individuals alleged to have committed acts of terrorism or war crimes.⁴⁶ For example, in 2018, DOJ announced that it had filed a lawsuit to denaturalize Khaleel Ahmed who pled guilty to providing material support to terrorists.⁴⁷ Also in 2018, ICE announced that federal courts in

⁴¹ Department of Homeland Security, Office of the Inspector General, *Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records* 1 (Sep. 8, 2016), <https://www.oig.dhs.gov/sites/default/files/assets/Mgmt/2016/OIG-16-130-Sep16.pdf>; see also Nat'l Immigration Project, *Practice Advisory: Denaturalization and Revocation of Naturalization* (Feb. 2020), https://ninpnl.org/sites/default/files/2023-03/2020_07Apr_denaturalization-pa.pdf.

⁴² *Id.*

⁴³ Press Release, U.S. Dep't of Justice, *Justice Department Secures First Denaturalization as a Result of Operation Janus* (Jan. 9, 2018), <https://www.justice.gov/archives/opa/pr/justice-department-secures-first-denaturalization-result-operation-janus>; Amy Taxin, *US launches bid to find citizenship cheaters*, AP News (June 11, 2018), <https://apnews.com/1da389a535684a5f9d0da74081c242f3>.

⁴⁴ U.S. Immigration and Customs Enforcement Fiscal Year 2019 Budget Overview, U.S. Dep't of Homeland Sec., U.S. Immigration and Customs Enforcement: Congressional Budget Justification FY 2019, at 11 (2018).

⁴⁵ Press Release, U.S. Dep't of Justice, *The Department of Justice Creates Section Dedicated to Denaturalization Cases* (Feb. 26, 2020), <https://www.justice.gov/archives/opa/pr/department-justice-creates-section-dedicated-denaturalization-cases>.

⁴⁶ *Id.*

⁴⁷ Press Release, U.S. Dep't of Justice, *Justice Department Files Denaturalization Lawsuit Against Chicago Man Convicted of Providing Material Support to Terrorists* (July 3, 2018), <https://www.justice.gov/archives/opa/pr/justice-department-files-denaturalization-lawsuit-against-chicago-man-convicted-providing>.

North Texas and Minnesota denaturalized five Somali nationals accused of engaging in sexual contact with a minor and fraudulently securing a Diversity Immigrant Visa.⁴⁸ While DOJ has not released the full list of denaturalization actions brought under the first Trump administration, public reporting suggests that the administration filed approximately 25 actions per year, which was a 127% increase from previous years, but still kept the number of cases fairly low.⁴⁹

Notably, the Obama and Trump administrations' denaturalization efforts have relied on large databases that experts have warned contain serious inaccuracies or inconsistent information to identify possible fraud.⁵⁰ Civics and legal organizations have expressed concern that automated background check tools like ATLAS and biometric databases like HART are riddled with racially biased, discriminatory, and often unverified information.⁵¹ Further, public reporting suggests that SAVE has recently been updated for broader use in citizenship verification for voter registration and eligibility checks, and that SAVE is already returning erroneous flags for non-citizenship.⁵² Although denaturalization actions in the modern era are ostensibly grounded in statutory fraud, using largescale databases to identify potential fraud magnify the concerns raised in the earlier denaturalization cases: reliance on suspicion, ideological inferences, and unreliable evidence to strip citizenship.

D. DENATURALIZATION UNDER THE SECOND TRUMP ADMINISTRATION

The second Trump administration has rebooted the federal government's denaturalization efforts and rhetoric. On his first day in office, President Trump issued Executive Order 14161 ("Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats") which listed enforcement of the denaturalization statute among his administration's top

⁴⁸ *Federal courts in North Texas, Minnesota denaturalize 5 Somali nationals*, U.S. Immigration and Customs Enforcement (Apr. 11, 2018), <https://www.ice.gov/news/releases/federal-courts-north-texas-minnesota-denaturalize-5-somali-nationals>.

⁴⁹ *FAQs: How Denaturalization Works*, Immigration Legal Resource Center (Aug. 5, 2025), <https://www.ilrc.org/community-resources/faqs-how-denaturalization-works>.

⁵⁰ Joan Friedland, *How the Trump Deportation Machine Relies on Inaccurate Databases and Unregulated Data Collection*, Nat'l Immigration Law Center (Nov. 1, 2019), <https://www.nilc.org/articles/how-the-trump-deportation-machine-relies-on-inaccurate-databases-and-unregulated-data-collection/>; Faiza Patel et al., *How the Supreme Court Rejected Denaturalization as a Political Weapon Long Ago*, Brennan Ctr. for Justice (Nov. 26, 2025), <https://www.brennancenter.org/our-work/analysis-opinion/how-supreme-court-rejected-denaturalization-political-weapon-long-ago>; *Mass Deportation: Analyzing the Trump Administration's Attacks on Immigrants, Democracy, and America*, American Immigration Council (July 23, 2025), <https://www.americanimmigrationcouncil.org/report/mass-deportation-trump-democracy/>.

⁵¹ Immigration Defense Project et al., *HART Attack: How DHS's massive biometrics database will supercharge surveillance and threaten rights* (May 3, 2022), <https://www.immigrantdefenseproject.org/wp-content/uploads/HART-Attack.pdf#:~:text=HART's%20will%20rely%20on%20untested%2C%20racially%2D%20biased%2C,is%20built%20on%20data%20collection%20without%20consent>; Sam Biddle & Maryam Saleh, *Little-Known Federal Software Can Trigger Revocation of Citizenship*, The Intercept (Aug. 25, 2021), <https://theintercept.com/2021/08/25/atlas-citizenship-denaturalization-homeland-security/>.

⁵² Lucio Vasquez, *Texas flags more than 2,700 'potential noncitizens' on voter rolls*, Houston Public Media (Oct. 21, 2025), https://www.houstonpublicmedia.org/articles/voting/2025/10/21/533906/texas-flags-more-than-2700-potential-noncitizens-on-voter-rolls/?utm_source=rss-voting-article&utm_medium=link&utm_campaign=hpm-rss-link&utm_amp=1.

priorities.⁵³ President Trump also issued an executive order attempting to end the Fourteenth Amendment's guarantee of birthright citizenship.⁵⁴ In his inaugural address, he described these Orders as beginning "the process of returning millions and millions of criminal aliens back to the places from which they came."⁵⁵

In April 2025, President Trump announced that his administration was looking for legal ways to send U.S. citizens to prison in El Salvador.⁵⁶ At the time, immigrants' rights organizations and public officials warned that these efforts were likely illegal amidst concern that these statements were only the beginning of the administration's renewed focus on denaturalization.⁵⁷

Two months later, DOJ's Civil Division published a memo outlining its enforcement priorities, which included expanded categories of people DOJ will consider for denaturalization.⁵⁸ DOJ's previous priorities are still listed but the memo adds:

- 1) People who furthered the interests of gangs or cartels;**
- 2) People who committed human trafficking offenses;**
- 3) People who committed fraud including financial fraud against the United States and private individuals and companies; and**
- 4) People who obtained naturalization through fraud or government corruption.⁵⁹**

⁵³ Exec. Order. No. 14161 (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-united-states-from-foreign-terrorists-and-othenational-security-and-public-safety-threats/>.

⁵⁴ Exec. Order No. 14160 (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-meaning-and-value-of-american-citizenship/>.

⁵⁵ *Immigration-Related Comments in President Trump's January 20, 2025 Inaugural Address*, NAFSA (Jan. 20, 2025), [https://www.nafsa.org/regulatory-information/immigration-related-comments-president-trumps-january-20-2025-inaugural#:~:text=and%20Scholar%20Services-Immigration%2Drelated%20comments%20in%20President%20Trump's%20January%2020%2C%202025%20inaugural,\(Applause.\)](https://www.nafsa.org/regulatory-information/immigration-related-comments-president-trumps-january-20-2025-inaugural#:~:text=and%20Scholar%20Services-Immigration%2Drelated%20comments%20in%20President%20Trump's%20January%2020%2C%202025%20inaugural,(Applause.)).

⁵⁶ Brian Mann, *'Homegrown' are next: Trump hopes to deport and jail U.S. citizens abroad*, NPR (Apr. 16, 2025), <https://www.npr.org/2025/04/16/nx-s1-5366178/trump-deport-jail-u-s-citizens-homegrown-el-salvador>.

⁵⁷ Nicholas Riccardi, *Why Trump's idea of imprisoning U.S. citizens in El Salvador is likely illegal*, PBS (Apr. 15, 2025), <https://www.pbs.org/newshour/politics/why-trumps-idea-of-imprisoning-u-s-citizens-in-el-salvador-is-likely-illegal>; Press Release, Senate Committee on the Judiciary, Durbin, Senators Demand President Trump Rescind Harmful Claims That He Will Transfer Incarcerated U.S. Citizens To A Foreign Prison (Apr. 22, 2025), <https://www.judiciary.senate.gov/press/dem/releases/durbin-senators-demand-president-trump-rescind-harmful-claims-that-he-will-transfer-incarcerated-us-citizens-to-a-foreign-prison>.

⁵⁸ Memorandum from Brett A. Shumate, Assistant Attorney General on Civil Division Enforcement Priorities (June 11, 2025), <https://www.justice.gov/civil/media/1404046/dl>.

⁵⁹ *Id.*

The memo also broadly states that DOJ will prioritize cases where there are related criminal charges or that DOJ considers important. Immigration experts have described the categories outlined in the guidance as “so vague as to be meaningless” and noted that “[i]t isn’t even clear that they relate to fraudulent procurement, as opposed to post-naturalization conduct.”⁶⁰ **In other words, the guidance suggests a willingness by the Trump administration to consider extralegal factors when bringing denaturalization actions.** Experts also warned that DOJ’s more aggressive denaturalization enforcement will impact families and children whose citizenship is connected to a parent whose naturalization was later revoked.⁶¹

The Administration paired this guidance with escalating rhetoric. In the fall of 2025, President Trump and congressional allies threatened to denaturalize and deport New York City mayor-elect Zohran Mamdani based on baseless claims that he is a “communist” who is “here illegally.”⁶² In November, President Trump announced a plan to “permanently pause migration from all Third World Countries” and a policy to “denaturalize migrants who undermine domestic security.”⁶³ In his remarks, the President referred broadly to people who were “non-compatible with Western Civilization,” seeming to suggest that the government would target U.S. citizens from non-Western countries.⁶⁴ These November 2025 comments from President Trump hinted at a renewed focus on denaturalization efforts going into the second year of his second administration.

In December 2025, the Trump Administration reportedly issued new denaturalization guidance. While the June 2025 guidance focused on the content of denaturalization actions, public reporting suggests that the December 2025 guidance focuses on the *quantity* of the actions by creating a quota for denaturalization referrals.⁶⁵ According to NYT reporting, the internal guidance issued to USCIS field offices asks that they “supply Office of Immigration Litigation with 100-200 denaturalization cases per month” in the 2026 fiscal year. If even a small percentage of these cases are successful, experts say it would represent a “massive escalation” of denaturalization in the modern era.⁶⁶ As noted above, under the first Trump administration, the *annual* number of denaturalizations was merely 25 cases, which was already an increase from recent years. Because

⁶⁰ Jaclyn Diaz, *DOJ announces plans to prioritize cases to revoke citizenship*, NPR (June 30, 2025), <https://www.npr.org/2025/06/30/nx-s1-5445398/denaturalization-trump-immigration-enforcement>.

⁶¹ *Id.*

⁶² Meredith Deliso, *Trump falsely questions Zohran Mamdani’s citizenship, threatens to arrest him over ICE operations*, ABC (July 1, 2025), <https://abcnews.go.com/Politics/trump-threatens-arrest-mamdani-nyc-ice/story?id=123382676>.

⁶³ Patrick Smith, *Trump vows to ‘permanently pause’ migration from ‘third world countries’ after National Guard shooting*, NBC News (Nov. 28, 2025), <https://www.nbcnews.com/politics/politics-news/trump-pause-migration-third-world-countries-national-guard-shooting-dc-rcna246299>.

⁶⁴ *Id.*

⁶⁵ This guidance was issued less than two weeks after the Supreme Court agreed to hear a challenge to the President’s Executive Order that sought to limit birthright citizenship under the Fourteenth Amendment. While birthright citizenship does not impact the denaturalization framework, the confluence of these events illustrates the Trump administration’s multipronged and legally dubious approach to its mass deportation campaign.

⁶⁶ Hamed Aleaziz, *Trump Administration Aims to Strip More Foreign-Born Americans of Citizenship*, New York Times (Dec. 17, 2025), <https://www.nytimes.com/2025/12/17/us/politics/trump-immigration-citizenship-denaturalization.html>.

the requirements for stripping citizenship are so strict, it is difficult to imagine how the Trump administration could legally bring these cases. Legal advocates have noted that the Trump administration would have difficulty achieving the reported quota and that any action towards achieving the quota would likely be challenged legally.⁶⁷ Senator Ed Markey—a critic of the Administration—responded to the quota by condemning the Trump administration’s “latest anti-immigrant attack” as “xenophobia disguised as policy.”⁶⁸

By early 2026, the Administration’s attention had narrowed to Somali Americans. In January 2026, President Trump told the New York Times during an Oval Office interview that his administration was examining the criteria for taking away citizenship. He singled out immigrants of Somali descent noting, “I think that many of the people that came in from Somalia, they hate our country.”⁶⁹ He said he would denaturalize Somali Americans “in a heartbeat if they were dishonest.”⁷⁰ He added, “If they deserve to be stripped, I would, yes,” without explaining what would make someone “deserve” to lose citizenship or whether he was referring to the existing legal standard.⁷¹ Following the interview, the White House announced a new Department of Justice Division for National Fraud Enforcement whose duties include reviewing fraud findings from site visits in Minneapolis and Saint Paul and “determining which cases require additional vetting, including for refugee status and potential denaturalization.”⁷²

The President’s allies have proposed legislation that would widen the path to denaturalization. On January 8, 2026, the day after the President’s interview, Rep. Earl L. “Buddy” Carter and Senator Marsha Blackburn introduced the Fraud Accountability Act,⁷³ which “would explicitly add fraud as a deportable offense under the Immigration and Nationality Act (INA). The bill would subject any person who commits a deportable offense, now explicitly including fraud to denaturalization.”⁷⁴ While

⁶⁷ Callum Sutherland, *Trump Threatens to Denaturalize U.S. Citizens If They ‘Deserve’ It. Experts Raise Grave Concerns About Future*, Time (Jan. 9, 2026), <https://time.com/7344931/trump-threatens-to-denaturalize-us-citizens/>.

⁶⁸ Sutherland, *supra* note 48.

⁶⁹ Zolan Kanno-Youngs, *Denaturalization Is Part of Trump’s Crackdown on Immigrants*, New York Times (Jan. 8, 2026), <https://www.nytimes.com/2026/01/08/us/politics/trump-somalis-denaturalization.html>.

⁷⁰ Donald Trump Says He’d Denaturalize US Citizens, Including Somali Immigrants, ‘In a Heartbeat’, Newsweek (Jan. 8, 2026), <https://www.newsweek.com/donald-trump-denaturalize-us-citizens-somali-immigration-11331811> (reporting on the President’s interview with the New York Times).

⁷¹ Callum Sutherland, *Trump Threatens to Denaturalize U.S. Citizens If They ‘Deserve’ It*, TIME (Jan. 9, 2026), <https://time.com/7344931/trump-threatens-to-denaturalize-us-citizens/>.

⁷² *Fact Sheet: President Donald J. Trump Establishes New Department of Justice Division for National Fraud Enforcement*, The White House (Jan. 8, 2026), <https://www.whitehouse.gov/fact-sheets/2026/01/fact-sheet-president-donald-j-trump-establishes-new-department-of-justice-division-for-national-fraud-enforcement/>.

⁷³ Fraud Accountability Act, H.R. 6975, 119th Cong. (2026); Fraud Accountability Act, S. 3606, 119th Cong. (2026).

⁷⁴ Press Release, U.S. Rep. Buddy Carter, Carter, Blackburn Lead Colleagues in Introducing Bicameral Legislation to Deport and Denaturalize Fraudsters Following Minnesota Somali Schemes (Jan. 8, 2026), <https://buddycarter.house.gov/news/documentsingle.aspx?DocumentID=16086> (emphasis in original); Press Release, U.S. Sen. Marsha Blackburn, Senator Blackburn Calls for Deporting and Denaturalizing Scammers Amid Growing Fraud Crisis (Jan. 15,

the language of the bill focuses on fraud, the communications around the bill focus explicitly on Somali Americans implicated by recent investigations and prosecutions arising from COVID-19 benefits fraud in Minnesota's Somali American community. The bill has not advanced: it was referred to the Senate Judiciary Committee the day it was introduced, and neither chamber has voted on it.⁷⁵

On January 15, 2026, Senator Eric Schmitt introduced the Stop Citizenship Abuse and Misrepresentation (SCAM) Act, which would permit denaturalization of anyone who, within ten years of naturalizing, is convicted of fraud against the government, an aggravated felony, or espionage, or is found to have joined or affiliated with a foreign terrorist organization.⁷⁶ House Majority Whip Tom Emmer introduced a companion bill on January 20, 2026.⁷⁷ The Senate bill was placed directly on the legislative calendar on January 26, 2026, bypassing committee, but it has not received a floor vote.

Proposals in Congress then grew broader. In April 2026, Rep. Riley Moore introduced the DEPORT Act, which would extend from five to ten years the window in which terrorism may be treated as evidence of citizenship fraud and create a new path to denaturalize people involved in "lone-wolf" attacks.⁷⁸ Days later, Rep. Chip Roy and nine colleagues introduced H.R. 8387, the Measures Against Marxism's Dangerous Adherents and Noxious Islamists (MAMDANI) Act, which would allow denaturalization based on membership in, affiliation with, or advocacy of socialist, communist, Marxist, or Islamic fundamentalist doctrines, making political belief and association explicit grounds for denaturalization.⁷⁹ Taken together, these proposals, including one whose acronym invokes the then New York City mayor-elect, who the President threatened to denaturalize months earlier, show allies of the Administration working to write into law the expansive and politically charged grounds for denaturalization that the Administration's rhetoric has promised but current law does not permit.

The Administration's efforts have moved from rhetoric to an increase in filings. In June 2026, DOJ announced that it was moving to strip 17 naturalized individuals of their citizenship after they were

2026), <https://www.blackburn.senate.gov/2026/1/crime/video-blackburn-calls-for-deporting-and-denaturalizing-scammers-amid-growing-fraud-crisis>.

⁷⁵ Stop Citizenship Abuse and Misrepresentation (SCAM) Act, S. 3674, 119th Cong. (2026) (introduced Jan. 15, 2026; placed on Senate Legislative Calendar under General Orders, Calendar No. 301, Jan. 26, 2026), <https://www.congress.gov/bills/119th-congress/senate-bill/3674/text>,

⁷⁶ Stop Citizenship Abuse and Misrepresentation (SCAM) Act, S. 3674, 119th Cong. (2026) (introduced Jan. 15, 2026; placed on Senate Legislative Calendar under General Orders, Calendar No. 301, Jan. 26, 2026), <https://www.congress.gov/bills/119th-congress/senate-bill/3674/text>; see also <https://www.billtrack50.com/billdetail/1939183>.

⁷⁷ Press Release, House Majority Whip Tom Emmer, Whip Emmer Introduces SCAM Act to Denaturalize Fraudsters, Terrorists, Felons (Jan. 20, 2026), <https://emmer.house.gov/media-center/press-releases/whip-emmer-introduces-scam-act-to-denaturalize-fraudsters-terrorists-felons>.

⁷⁸ Press Release, Rep. Riley M. Moore, Congressman Riley M. Moore Introduces DEPORT Act to Protect Americans from Terrorist Threats (Apr. 16, 2026), <https://rileymoore.house.gov/media/press-releases/congressman-riley-m-moore-introduces-deport-act-protect-americans-terrorist>.

⁷⁹ Measures Against Marxism's Dangerous Adherents and Noxious Islamists Act of 2026, H.R. 8387, 119th Cong. (referred to H. Comm. on the Judiciary, Apr. 20, 2026), <https://legiscan.com/US/bill/HB8387/2025>.

convicted of crimes ranging from sex offenses to drug dealing.⁸⁰ The following month, as DOJ prepared to announce actions against ten more people, the White House posted that those who commit fraud during naturalization “forfeit the right to keep your U.S. citizenship.”⁸¹ DOJ filed at least 105 denaturalization lawsuits in the first seven months of 2026, nearly matching the roughly 125 cases recorded from 2008 through 2025 combined.⁸² In October 2026, DOJ announced suits against 40 more people, which Attorney General Todd Blanche described as “the largest denaturalization effort in modern history.”⁸³ Assistant Attorney General Brett Shumate asserted that “[e]very single one of these individuals lied their way into US citizenship.”⁸⁴ These complaints continue to allege that individuals concealed prior crimes or made false statements during the naturalization process, but their scale is a sharp departure from historical practice.⁸⁵

The Administration has also troublingly shifted federal resources toward pursuing denaturalization investigations and cases and away from affirmative adjudications of applications for naturalization. For example, federal immigration officials approved just 173,000 naturalization applications in the first eight months of 2026, a 72% decrease from the same period in 2025.⁸⁶ From the start of the second Trump Administration to August 2026, the backlog of unreviewed naturalization applications skyrocketed from 500,000 to 800,000.⁸⁷ Alongside the review backlog, USCIS has denied far more applications than it has over the last roughly nine years, with denial rates doubling from the third quarter of 2025 to the third quarter of 2026.⁸⁸ While the Administration’s implementation of a more stringent version of the civics test, expanded interview mandates, and a re-instituted neighborhood interview process have all slowed down approvals, so, too, has the Administration’s focus on denaturalization. As more resources—such as staff—are dedicated to hunting for denaturalization

⁸⁰ Trump Has Moved to Denaturalize More Citizens than During the Entire Biden Admin, ABC News (June 8, 2026), <https://abcnews.com/Politics/trump-moved-denaturalize-citizens-entire-biden-admin/story?id=133690815>.

⁸¹ The White House (@WhiteHouse), X (July 20, 2026), as quoted in Andrea Widburg, Is the Trump Administration Serious About Denaturalization?, American Thinker (July 21, 2026), <https://www.americanthinker.com/blog/2026/07/is-the-trump-administration-serious-about-denaturalization/>.

⁸² US Announces Mass Denaturalization Action, Newsweek (Oct. 6, 2026), <https://www.newsweek.com/doj-announces-mass-denaturalization-actiondenaturalizationus-announces-mass-denaturalization-us-citizenship-action-12528005> (citing TRAC data).

⁸³ Trump Administration Mounts ‘Largest Denaturalization Effort in Modern History’, TIME (Oct. 6, 2026), <https://time.com/article/2026/10/06/denaturalization-citizenship-immigration-justice-department-trump/>.

⁸⁴ Trump Moves to Strip Citizenship from Haitian, Cuban Nationals, Caribbean Life (Oct. 2026), <https://www.caribbeanlife.com/trump-strip-citizenship-haitian-cuban/>; see also Trump Admin Moves to Strip Citizenship from 40 Foreign-Born Americans, Daily Wire (Oct. 2026), <https://www.dailywire.com/news/trump-admin-moves-to-strip-citizenship-from-40-foreign-born-americans>.

⁸⁵ Newsweek, US Announces Mass Denaturalization Action, *supra* note 64.

⁸⁶ Ted Hesson, *Would-be voters in limbo as approvals of U.S. citizenship plunge by 72 percent*, The Washington Post (Oct. 23, 2026), <https://www.washingtonpost.com/immigration/2026/10/23/with-citizenship-approvals-slowing-would-be-voters-are-left-limbo/>.

⁸⁷ *Id.*

⁸⁸ Ximena Bustillo & Andrew Kreighbaum, *Citizenship Approvals Plummet a Year Into Trump’s Second Term*, Bloomberg Law News (Oct. 15, 2026), <https://news.bloomberglaw.com/us-law-week/citizenship-approvals-plummet-a-year-into-trumps-second-term>.

cases, fewer resources are devoted to the agency's core mission of reviewing and approving naturalization applications.

Most recently, on October 12, 2026, federal agents searched the home of Representative Ilhan Omar, and the Administration is reportedly building a case to revoke her citizenship based on alleged discrepancies in her childhood immigration paperwork.⁸⁹ The government has not filed a denaturalization complaint.⁹⁰ The investigation comes three weeks before the November midterm elections, in which Omar is seeking a fifth term. It also comes amid heightened rhetoric around immigration and deportation: hours after the search, as a rally crowd chanted "deport," President Trump said Omar "comes from one of the worst countries anywhere on the planet."⁹¹ The investigation comes three weeks before the November midterm elections, in which Omar is seeking a fifth term. It also comes amid heightened rhetoric around immigration and deportation: hours after the search, as a rally crowd chanted "deport," President Trump said Omar "comes from one of the worst countries anywhere on the planet."⁹² In the days following the raid on Rep. Omar's home, President Trump has continued to use racist, Islamophobic language⁹³ to refer to Rep. Omar and to Somali Americans, particularly in Minnesota.⁹⁴

At present, DOJ is limited by federal law and Supreme Court precedent that creates a narrow right to pursue denaturalization actions. As described below, the Supreme Court's well-settled limits on the denaturalization process are robust and deeply rooted in protections guaranteed by the First and Fourteenth Amendments to the Constitution.

⁸⁹ Trump Administration Seeks to Strip Ilhan Omar of US Citizenship: WSJ, Al Jazeera (Oct. 15, 2026), <https://www.aljazeera.com/news/2026/10/15/trump-administration-seeks-to-strip-ilhan-omar-of-us-citizenship-wsj> (citing reporting by the Wall Street Journal).

⁹⁰ Michael Williams & Katelyn Polantz, It Wouldn't Be Easy to Strip Rep. Ilhan Omar of Her Citizenship, Legal Experts Say, CNN (Oct. 17, 2026), <https://www.cnn.com/2026/10/17/politics/explainer-wouldnt-be-easy-to-strip-rep-ilhan-omar-citizenship>.

⁹¹ Trump Again Attacks Rep. Ilhan Omar, a US Citizen, over Immigration Allegations, ABC News (Oct. 13, 2026), <https://abcnews.com/Politics/trump-blasts-rep-ilhan-omar-position-us-citizen/story?id=137218882>; What We Know About the Investigation into Trump Critic Ilhan Omar and the Raid on Her Home, ABC News (Austl.) (Oct. 16, 2026), <https://www.abc.net.au/news/2026-10-16/what-we-know-about-the-ilhan-omar-raid/107273744>.

⁹² Josh Kovensky, The Omar Case Encapsulates MAGA's Attack on Citizenship, Talking Points Memo (Oct. 15, 2026), <https://talkingpointsmemo.com/news/the-omar-case-encapsulates-magas-attack-on-citizenship> (quoting Cassandra Burke Robertson, Case Western Reserve University School of Law).

⁹³ The U.S. Equal Employment Opportunity Commission (EEOC) defines the phrase "go back to where you came from", *see infra* at n. 95, as potential national origin or race-based discrimination under Title VII of the Civil Rights Act of 1964. *See Fact Sheet: Immigrants' Employment Rights under Federal Anti-Discrimination Laws*, EEOC, <https://www.eeoc.gov/laws/guidance/fact-sheet-immigrants-employment-rights-under-federal-anti-discrimination-laws#> (last visited Oct. 20, 2026).

⁹⁴ *See, e.g.*, Video posted by Aaron Rupar (@atrupar.com), Bluesky, *Trump: "You go up to Minnesota -- number one place in the entire country for the sale of Mercedes-Benz. And Somalians are buying them. They come here with low IQs and no money and they get rich. Do we feel stupid? Our fraud division is getting them all."* (Oct. 19, 2026), <https://bsky.app/profile/atrupar.com/post/3mybesufw3s2e>; Video posted by Aaron Rupar (@atrupar.com), Bluesky, *Trump on Ilhan Omar: "She ought to go back to her own country"* (Oct. 15, 2026), <https://bsky.app/profile/atrupar.com/post/3mxxc2j7lof22>.

3. Constitutional Constraints on Denaturalization

Although Congress has enacted federal laws authorizing civil denaturalization in narrow circumstances,⁹⁵ the Supreme Court has made clear that the Constitution imposes significant constraints on this power. During the mid-twentieth century, the Supreme Court overturned multiple denaturalizations, defending citizenship rights under a number of doctrines, including procedural due process and First Amendment protections of speech and expression.⁹⁶ The limits to denaturalization outlined in these opinions emerge from historical misuse of denaturalization to police ideology and suppress disfavored views, and they operate as guardrails that restrict the federal government's discretion.

A. FIRST AMENDMENT

The surge of political denaturalizations in the first half of the century ultimately led to a series of Supreme Court opinions that discussed denaturalization in the context of First Amendment-protected speech and activities. The Court articulated two First Amendment constraints on denaturalization actions: (1) expressive activity is not a substitute for statutory ineligibility and (2) the government may not use the threat of revocation to chill speech.⁹⁷ In articulating these opinions, the Court resisted affirming public sentiment that political ideology or associations are indicative of whether an individual is eligible to obtain and retain U.S. citizenship.⁹⁸

The Supreme Court has repeatedly rejected attempts to use political belief, expressive conduct, or disfavored associations as indirect proof that a naturalized citizen is subject to one of the grounds of denaturalization. Three foundational decisions—*Schneiderman v. United States*, 320 U.S. 118, 158-59 (1943), *Baumgartner v. United States*, 322 U.S. 665, 674-75 (1944), and *Knauer v. United States*,

⁹⁵ See, e.g., Naturalization Act of 1870, ch. 254, § 7, 16 Stat. 254, 256 (1870) (extending citizenship to immigrants of African nativity and to persons of African descent); Naturalization Act of 1906, ch. 3592, 34 Stat. 596 (1906) (providing for a uniform rule for the naturalization of immigrants throughout the United States); and Nationality Act of 1952, Pub. L. No. 82-414, § 334, 66 Stat. 163, 254-55 (1952) (setting forth comprehensive requirements for naturalization).

⁹⁶ See *Schneiderman v. United States*, 320 U.S. 118, 158-59 (1943) (reversing denaturalization judgment where government failed to meet its high burden of proof); *Baumgartner v. United States*, 322 U.S. 665, 674-75 (1944) (reversing denaturalization decision where the district court improperly relied on “loose statements” about political sympathies; emphasizing that “American citizenship is the right to criticize public men and measures”); *Knauer v. United States*, 328 U.S. 654, 658-60 (1946) (stressing that naturalized citizens are entitled to the right to speak freely); *Chaunt v. United States*, 364 U.S. 350, 353-55 (1960) (reversing naturalization on due process grounds and noting that government’s allegations of past associations were insufficient evidence to revoke citizenship).

⁹⁷ See *Schneiderman*, 320 U.S. at 142, 158-59 (the government cannot input the most reprehensible interpretation of an organization that can be interpreted in multiple ways absent overt acts indicating that interpretation); *Baumgartner*, 322 U.S. at 670-78 (the government may not base denaturalization on political sympathies; such denaturalization actions risk chilling protected expression); *Knauer*, 328 U.S. at 658-60 (naturalized citizens have full First Amendment protections and the threat of revocation may not be used to suppress speech).

⁹⁸ Faiza Patel et al., *How the Supreme Court Rejected Denaturalization as a Political Weapon Long Ago*, Brennan Ctr. for Justice (Nov. 26, 2025), <https://www.brennancenter.org/our-work/analysis-opinion/how-supreme-court-rejected-denaturalization-political-weapon-long-ago>.

328 U.S. 654, 658-60 (1946)—stand for the principle that expressive activity is not evidence from which courts may infer statutory disqualification.

In *Schneiderman*, the government argued that William Schneiderman’s membership in two workers’ rights organizations tied to the Communist Party demonstrated that he lacked the requisite good moral character at the time of his naturalization. The district court agreed, even though the action was brought 12 years after Schneiderman was naturalized.⁹⁹ The Supreme Court reversed, holding that the government had not sufficiently proved illegal procurement. Though not decided on First Amendment grounds, Justice Rutledge, who authored a concurrence, noted that review of a person’s political beliefs for denaturalization was inconsistent with constitutional principles, especially free speech and free expression:

No citizen with such a threat hanging over his head could be free. If he belonged to “off-color” organizations or held too radical or, perhaps, too reactionary views, for some segment of the judicial palate, when his admission took place, he could not open his mouth without fear his words would be held against him. For whatever he might say or whatever any such organization might advocate could be hauled forth at any time to show “continuity” of belief from the day of his admission, or “concealment” at that time. Such a citizen would not be admitted to liberty. His best course would be silence or hypocrisy. This is not citizenship.¹⁰⁰

Similarly, in *Baumgartner*, the Court declined to treat a naturalized citizen’s pro-German statements during World War II as proof that he had secretly held disqualifying loyalties when he obtained naturalization.¹⁰¹ The Court emphasized that expressive sympathies, even in moments of international political upheaval, cannot be repackaged as evidence of naturalization fraud or misrepresentation.¹⁰² And in *Knauer*, although the Court permitted denaturalization after finding that Knauer (a “thoroughgoing Nazi”) had sworn false testimony, it cautioned that naturalized citizens must have the right to “speak freely, to criticize officials and administrators, and to promote changes in our laws.” The Court warned that offering naturalized citizens anything less would “make denaturalization proceedings the ready instrument for political persecutions.”¹⁰³

⁹⁹ See *United States v. Schneiderman*, 33 F. Supp. 510, 513 (N.D. Cal. 1940), *aff’d*, 119 F.2d 500 (9th Cir. 1941), *rev’d*, 320 U.S. 118 (1943).

¹⁰⁰ *Schneiderman*, 320 U.S. at 167.

¹⁰¹ *Baumgartner*, 322 U.S. at 677.

¹⁰² *Baumgartner*, 322 U.S. at 670-78.

¹⁰³ *Knauer*, 328 U.S. at 658-69.

Together, these decisions articulate the Supreme Court's position that the federal government may not blur the lines between political expression and the statutory criteria governing naturalization. Expressive conduct or organizational membership—no matter how offensive or out of tune current public sentiment—cannot be treated as circumstantial evidence underlying a theory of illegal procurement or concealment. The First Amendment forbids the government from filling evidentiary gaps with these ideological judgments. This principle is particularly important in the era of renewed denaturalization efforts based on political statements in asylum narratives, social media activity, and dissent. Under the First Amendment, none of these alone can serve as a substitute for statutory proof of ineligibility.

B. PROCEDURAL DUE PROCESS

The Due Process Clause imposes a second set of constitutional constraints that the Supreme Court articulated in its mid-twentieth century denaturalization opinions. The Supreme Court has recognized that the loss of citizenship is among the most severe punishments that the federal government can impose.¹⁰⁴ Unlike other remedies, denaturalization strips a person of legal status, political security, and the protections associated with full citizenship. In *Trop v. Dulles*, the Supreme Court described citizenship loss as “the total destruction of the individual's status in organized society.”¹⁰⁵ Although *Trop* concerned expatriation rather than denaturalization, the Court's articulation of the stakes of losing citizenship sheds light on the Supreme Court's insistence that denaturalization be surrounded by strict procedural guardrails.

The first procedural guardrail is the heightened burden of proof. The *Schneiderman* Court held that a “right of citizenship once conferred should not be taken away without the clearest sort of justification and proof.”¹⁰⁶ The Court adopted this burden as a constitutional necessity, finding that the dangers of ideological interference, public bias, and nationalism create a substantial risk of erroneous judgments.¹⁰⁷ Similarly, while *Baumgartner* and *Knauer* discussed the First Amendment implications of denaturalization actions, those cases turned on the sufficiency of the government's evidence.¹⁰⁸ Because the government could not meet the high standard of proof articulated by the Court, it was unable to denaturalize individuals based on political ideology.¹⁰⁹ The heightened burden articulated in *Schneiderman* ensures that courts do not accept ambiguous, inference-based, or politically biased evidence as sufficient to strip an individual of citizenship. It also reflects the Court's insistence that

¹⁰⁴ *Schneiderman*, 320 U.S. at 122.

¹⁰⁵ 356 U.S. 86, 101 (1958).

¹⁰⁶ *Schneiderman*, 320 U.S. at 122.

¹⁰⁷ *Id.* at 136.

¹⁰⁸ *Baumgartner*, 322 U.S. at 670 (“proof to bring about a loss of citizenship must be clear and unequivocal”).

¹⁰⁹ *Id.* at 677.

denaturalization be reserved for the rare cases where the federal government can clearly demonstrate that the individual was not eligible for citizenship at the time of their naturalization.

A second Due Process constraint is the materiality requirement articulated in *Kungys*.¹¹⁰ That case involved an alleged former guard at a Lithuanian concentration camp whose purported actions only came to light when the Soviet Union published deposition recordings implicating him. Because the Supreme Court accepted the lower courts' findings that there was insufficient evidence that Kungys had personally been involved in executing Lithuanian citizens, the central issue was his misrepresentation of his date and place of birth and his wartime occupation and residence.¹¹¹ The Court held that a misrepresentation or concealment could support denaturalization only if it had "a natural tendency to influence" the government's naturalization decision.¹¹² A plurality of the Court agreed that Kungys' misrepresentation of his birth information had not been shown to be material; whether other misrepresentations might have been material would be determined on remand.¹¹³ The materiality requirement prevents the government from pursuing denaturalization based on minor discrepancies, technical errors, or irrelevant statements.

Taken together, these Due Process protections ensure that denaturalization cannot be pursued based on speculative political judgments or biased interpretations of past conduct. They require the government to meet a stringent evidentiary threshold and to clearly show that one of the grounds for denaturalization has been met. In a modern system increasingly reliant on automated screening, historical records, and expressive material, these constraints serve as an essential protection against backsliding into an era of political denaturalization actions.

C. FOURTEENTH AMENDMENT

The Fourteenth Amendment's Citizenship Clause safeguards the citizenship of "all persons born and naturalized in the United States" from involuntary rescission in most circumstances. In *Afroyim v. Rusk*, the Supreme Court set forth that a naturalized citizen retains the same citizenship as all other citizens and their citizenship cannot be destroyed on account of conduct engaged in *after* they have naturalized.¹¹⁴ From *Afroyim*, *Wong Kim Ark*, and most recently *Barbara*, a framework of cases affirms that the Fourteenth Amendment intends—and indeed does—sanctify citizenship as beyond the reach of ordinary legislative action.¹¹⁵

¹¹⁰ 485 U.S. at 772.

¹¹¹ *Id.* at 764-65.

¹¹² *Id.* at 769-70.

¹¹³ *Id.* at 774.

¹¹⁴ 387 U.S. 253, 261 (1967).

¹¹⁵ *Afroyim*, 387 U.S. at 266 ("...the unequivocal statement of the Court in [*Wong Kim Ark*]" was that "the only way the citizenship it conferred could be lost was by the voluntary renunciation or abandonment by the citizen himself."); 169 U.S. 649

While it is quite clear that the Constitution empowers Congress to determine the who may be naturalized as U.S. citizen and how that process may unfold, the Fourteenth Amendment and the cases that buttress it are equally as clear that Congress may not authorize the Executive Branch to destroy citizenship once it has been obtained.¹¹⁶ It is Congress's authority to set the qualifications and manner of naturalization that undergird the legality of 8 U.S.C. § 1451, which premises revocation on an individual ineligibility to naturalize in the first place, not on any conduct that occurred after their naturalization.¹¹⁷ Authority to establish uniform rules for naturalization understandably entitles Congress to impose "prerequisites to the acquisition of citizenship."¹¹⁸

Neither Congress nor the Executive Branch, however, may wield denaturalization to target a naturalized citizen for post-naturalization conduct. *Afroyim* and the Fourteenth Amendment protect a naturalized citizen—as they do a natural-born citizen—from turning criminal conduct, free speech, or political participation of any kind into grounds for stripping one of their citizenship. For one, the criminal legal system is the mechanism for punishing a citizen for criminal conduct; a crime committed by a naturalized citizen is no more egregious or criminal than a crime committed by a natural-born citizen. In addition, while the Constitution surely establishes Congressional authority over the prerequisites and the *acquisition* of citizenship, nothing in the Constitution empowers Congress to continually police one set of citizens' conduct *after* they have complied with the requirements to naturalize. Finally, Congress has elsewhere prescribed the means by which a natural-born or naturalized citizen may be expatriated, which entails a voluntary renunciation of one's citizenship through the commission of a narrow set of circumstances (treason, serving in certain military or government roles in foreign nations, or applying for citizenship abroad with the intent of revoking your U.S. citizenship).¹¹⁹ Absent these narrow circumstances, any other post-naturalization conduct—be it criminal conduct or protected-speech—cannot serve as grounds for denaturalization.

American citizenship encapsulates "the right to criticize public men and measures" and that right does not inhere only for natural-born citizens.¹²⁰ To fulfill the full meaning the Fourteenth Amendment affords to citizenship, denaturalization cannot be a politicized tool or a perpetual threat around the citizenship of naturalized citizens. The Fourteenth Amendment therefore serves as an additional, robust backstop against the arbitrary, politicized, and improper use of denaturalization.

(1898); 146 S.Ct. 2438 (2026). See also *Barbara*, 169 S.Ct. at 2524 (Scalia, J., dissenting) ("[T]he millions of immigrants who have been naturalized are no less American than those who are fortunate enough to be born here.").

¹¹⁶ *Id.* at 267, n.23 ("Of course ... naturalization unlawfully procured can be set aside[.]").

¹¹⁷ See U.S. Const., art. I, § 8, cl. 4 (Congress "shall have" the power to set "an uniform Rule of Naturalization[.]").

¹¹⁸ *Fedorenko*, 449 U.S. at 506.

¹¹⁹ 8 U.S.C. § 1481.

¹²⁰ *Baumgartner*, 322 U.S. at 673-74.

4. Current Risks and Parallels to Historical Abuses

The Supreme Court did not communicate the constitutional constraints of denaturalization in the abstract; it issued those holdings as a direct response to federal government overreach.

Although, today, denaturalization is framed as a tool to address fraud, recent public statements and enforcement guidelines suggest the federal government is interested in asserting a much wider denaturalization authority—one that will chill lawful political expression and recreate the patterns of ideological scrutiny present in the early twentieth century denaturalization actions.

First, rhetoric: the modern denaturalization landscape is shaped by expansive rhetoric from the Trump Administration juxtaposing so-called American values with those that “destroy everything that America stands for.”¹²¹ President Trump has now made several public statements suggesting that people with of certain ethnicities and national origin should not be able to obtain or maintain citizenship. Statements from public officials about the need to root out individuals whose allegiances are not with the United States mirror the wartime attitudes in *Baumgartner* and the community suspicion dynamics of *Knauer*. Broad proclamations about the types of people who should not have been naturalized can function as de facto guidance, signaling to officials that they should consider facts other than those outlined in the statute when deciding whether to bring a denaturalization action.

Second, policy change: recent denaturalization initiatives have been accompanied by guidance that articulates broad, open-ended risk categories that clearly lack a statutory basis. The June 2025 policy memo outlines broad enforcement categories and seemingly grants DOJ Civil Division attorneys wide discretion to pursue denaturalization actions. Similarly, an August 2025 USCIS policy memo shifts the “good moral character” standard to a more subjective assessment, potentially giving U.S. attorneys more leeway to bring denaturalization actions.¹²² This guidance invites subjective interpretation and creates conditions where officials might look to political speech or association to determine the legitimacy of an individual’s citizenship.¹²³ The Court’s concerns in

¹²¹ Josh Boak, *Trump says he wants to ‘permanently pause’ migration to the U.S. from poorer countries*, PBS (Nov. 28, 2025), <https://www.pbs.org/newshour/politics/trump-says-he-wants-to-permanently-pause-migration-to-the-u-s-from-poorer-countries>.

¹²² Policy Memorandum from U.S. Citizenship & Immigration Servs. on Restoring a Rigorous, Holistic, and Comprehensive Good Moral Character Evaluation Standard for Aliens Applying for Naturalization (Aug. 15, 2025), https://www.uscis.gov/sites/default/files/document/policy-alerts/08.15.2025-Restoring_a_Good_Moral_Character_Evaluation_Standard_for_Aliens_Applying_for_Naturalization-Policy_Memorandum_FINAL.pdf.

¹²³ *FAQs: How Denaturalization Works*, Immigration Legal Resource Center (Aug. 5, 2025), <https://www.ilrc.org/community-resources/faqs-how-denaturalization-works>.

Schneiderman that ideology could be mistaken for ineligibility for citizenship are especially relevant in this context.

When government rhetoric suggests that certain viewpoints or associations are inconsistent with American values, or when enforcement guidance appears to authorize scrutiny of political expression, naturalized citizens reasonably fear that civic engagement—including criticism of U.S. policies, expression of dissent, or participation in social movements—could later be used as evidence for revocation. As in *Schneiderman*, the risk is not abstract: it is the very existence of broad enforcement guidance and rhetoric that deters protected speech.

Nonetheless, the Trump administration is escalating its pursuit of civil denaturalizations and is actively exploring options for expanding its denaturalization authority. Despite clear Supreme Court precedent, President Trump has stated publicly that he is “not sure” if he can broadly denaturalize U.S. citizens.¹²⁴ These developments also demonstrate that although the technical mechanisms of denaturalization have evolved, the structural risks remain the same. Without clear constitutional boundaries and judicial oversight, the narrow statutory scheme governing denaturalization can be distorted by political pressure. It was these conditions and concerns that produced the Supreme Court’s foundational First Amendment and Due Process constraints in the mid-twentieth century.

5. Conclusion

Revocation of citizenship is an extraordinary remedy that strips an individual of “the right to have rights.” *Trop v. Dulles*, 356 U.S. 86, 101-102 (1958). Because of these stakes, denaturalization is statutorily and constitutionally constrained to prevent overuse or political weaponization. The Supreme Court’s denaturalization decisions reflect a deep and continuing concern that expressive activity, political association, and ideological inference can distort the statutory scheme and chill the freedoms citizenship is meant to protect. Although modern enforcement tools and rhetoric are more digitized than in previous eras, the underlying risks are strikingly similar: the federal government can become emboldened by the political climate to target individuals for denaturalization based on their viewpoint or conduct.

We should not accept large-scale denaturalization efforts as a new normal. We can push back. We can question narratives that suggest politically unpopular people and groups should be stripped of their citizenship. Oversight and accountability are also critical. Watchdogs can and should continue to monitor the Administration’s activities in this space. And the courts also play a critical role in ensuring that the federal government’s limited denaturalization authority is exercised within its constitutional bounds. Civil society and the legal community should ensure that individuals who have been targeted for denaturalization have support and representation. And, as appropriate, those

¹²⁴ Jason Lalljee, *Trump wants to revoke the citizenship of some naturalized Americans: What to know*, Axios (Dec. 1, 2025), <https://www.axios.com/2025/12/01/trump-naturalized-citizenship-national-guard>.

cases should raise defenses that give the courts opportunity to review constitutionally suspect uses of denaturalization that discriminate against naturalized citizens or target political enemies.

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