

§ 1451. Revocation of naturalization, 8 USCA § 1451

---

United States Code Annotated  
Title 8. Aliens and Nationality (Refs & Annos)  
Chapter 12. Immigration and Nationality (Refs & Annos)  
Subchapter III. Nationality and Naturalization  
Part II. Nationality Through Naturalization

8 U.S.C.A. § 1451

§ 1451. Revocation of naturalization

Currentness

**(a) Concealment of material evidence; refusal to testify**

It shall be the duty of the United States attorneys for the respective districts, upon affidavit showing good cause therefor, to institute proceedings in any district court of the United States in the judicial district in which the naturalized citizen may reside at the time of bringing suit, for the purpose of revoking and setting aside the order admitting such person to citizenship and canceling the certificate of naturalization on the ground that such order and certificate of naturalization were illegally procured or were procured by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate, respectively: *Provided*, That refusal on the part of a naturalized citizen within a period of ten years following his naturalization to testify as a witness in any proceeding before a congressional committee concerning his subversive activities, in a case where such person has been convicted of contempt for such refusal, shall be held to constitute a ground for revocation of such person's naturalization under this subsection as having been procured by concealment of a material fact or by willful misrepresentation. If the naturalized citizen does not reside in any judicial district in the United States at the time of bringing such suit, the proceedings may be instituted in the United States District Court for the District of Columbia or in the United States district court in the judicial district in which such person last had his residence.

**(b) Notice to party**

The party to whom was granted the naturalization alleged to have been illegally procured or procured by concealment of a material fact or by willful misrepresentation shall, in any such proceedings under subsection (a) of this section, have sixty days' personal notice, unless waived by such party, in which to make answers to the petition of the United States; and if such naturalized person be absent from the United States or from the judicial district in which such person last had his residence, such notice shall be given either by personal service upon him or by publication in the manner provided for the service of summons by publication or upon absentees by the laws of the State or the place where such suit is brought.

**(c) Membership in certain organizations; prima facie evidence**

If a person who shall have been naturalized after December 24, 1952 shall within five years next following such naturalization become a member of or affiliated with any organization, membership in or affiliation with which at the time of naturalization would have precluded such person from naturalization under the provisions of [section 1424](#) of this title, it shall be considered prima facie evidence that such person was not attached to the principles of the

§ 1451. Revocation of naturalization, 8 USCA § 1451

---

Constitution of the United States and was not well disposed to the good order and happiness of the United States at the time of naturalization, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the revocation and setting aside of the order admitting such person to citizenship and the cancellation of the certificate of naturalization as having been obtained by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate, respectively.

**(d) Applicability to citizenship through naturalization of parent or spouse**

Any person who claims United States citizenship through the naturalization of a parent or spouse in whose case there is a revocation and setting aside of the order admitting such parent or spouse to citizenship under the provisions of subsection (a) of this section on the ground that the order and certificate of naturalization were procured by concealment of a material fact or by willful misrepresentation shall be deemed to have lost and to lose his citizenship and any right or privilege of citizenship which he may have, now has, or may hereafter acquire under and by virtue of such naturalization of such parent or spouse, regardless of whether such person is residing within or without the United States at the time of the revocation and setting aside of the order admitting such parent or spouse to citizenship. Any person who claims United States citizenship through the naturalization of a parent or spouse in whose case there is a revocation and setting aside of the order admitting such parent or spouse to citizenship and the cancellation of the certificate of naturalization under the provisions of subsection (c) of this section, or under the provisions of [section 1440\(c\)](#) of this title on any ground other than that the order and certificate of naturalization were procured by concealment of a material fact or by willful misrepresentation, shall be deemed to have lost and to lose his citizenship and any right or privilege of citizenship which would have been enjoyed by such person had there not been a revocation and setting aside of the order admitting such parent or spouse to citizenship and the cancellation of the certificate of naturalization, unless such person is residing in the United States at the time of the revocation and setting aside of the order admitting such parent or spouse to citizenship and the cancellation of the certificate of naturalization.

**(e) Citizenship unlawfully procured**

When a person shall be convicted under [section 1425 of Title 18](#) of knowingly procuring naturalization in violation of law, the court in which such conviction is had shall thereupon revoke, set aside, and declare void the final order admitting such person to citizenship, and shall declare the certificate of naturalization of such person to be canceled. Jurisdiction is conferred on the courts having jurisdiction of the trial of such offense to make such adjudication.

**(f) Cancellation of certificate of naturalization**

Whenever an order admitting an alien to citizenship shall be revoked and set aside or a certificate of naturalization shall be canceled, or both, as provided in this section, the court in which such judgment or decree is rendered shall make an order canceling such certificate and shall send a certified copy of such order to the Attorney General. The clerk of court shall transmit a copy of such order and judgment to the Attorney General. A person holding a certificate of naturalization or citizenship which has been canceled as provided by this section shall upon notice by the court by which the decree of cancellation was made, or by the Attorney General, surrender the same to the Attorney General.

**(g) Applicability to certificates of naturalization and citizenship**

§ 1451. Revocation of naturalization, 8 USCA § 1451

---

The provisions of this section shall apply not only to any naturalization granted and to certificates of naturalization and citizenship issued under the provisions of this subchapter, but to any naturalization heretofore granted by any court, and to all certificates of naturalization and citizenship which may have been issued heretofore by any court or by the Commissioner based upon naturalization granted by any court, or by a designated representative of the Commissioner under the provisions of section 702 of the Nationality Act of 1940, as amended, or by such designated representative under any other act.

**(h) Power to correct, reopen, alter, modify, or vacate order**

Nothing contained in this section shall be regarded as limiting, denying, or restricting the power of the Attorney General to correct, reopen, alter, modify, or vacate an order naturalizing the person.

**CREDIT(S)**

(June 27, 1952, c. 477, Title III, ch. 2, § 340, 66 Stat. 260; Sept. 3, 1954, c. 1263, § 18, 68 Stat. 1232; Sept. 26, 1961, Pub.L. 87-301, § 18, 75 Stat. 656; Nov. 14, 1986, [Pub.L. 99-653, § 17, 100 Stat. 3658](#); Oct. 24, 1988, [Pub.L. 100-525, § 9\(dd\), 102 Stat. 2621](#); Nov. 29, 1990, [Pub.L. 101-649, Title IV, § 407\(d\)\(18\)](#), 104 Stat. 5046; Dec. 12, 1991, [Pub.L. 102-232, Title III, § 305\(k\)](#), 105 Stat. 1750; Oct. 25, 1994, [Pub.L. 103-416, Title I, § 104\(b\), \(c\)](#), 108 Stat. 4308.)

[Notes of Decisions \(1120\)](#)

8 U.S.C.A. § 1451, 8 USCA § 1451

Current through P.L. 114-316. Also includes P.L. 114-318 to 114-327, and 115-1 to 115-3. Title 26 current through 115-3.