

## U.S. Citizenship Renunciation: Withers Wins Victory on Behalf of Clients

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The number of persons renouncing U.S. citizenship has seen a dramatic increase over the past few years. Consequently, efficient and consistent policy and procedure protocols have become more important than ever.

The process to renounce U.S. citizenship can be quite lengthy and potentially crippling because of the U.S. Department of State's ( DOS) unofficial policy to require renunciants to surrender their U.S. passports to a U.S. consular officer at the end of the renunciation interview. The passport was then retained by the U.S. Embassy. After the interview, the Embassy would send the renunciation application to DOS headquarters in Washington, DC, where the application was reviewed and granted or denied. Application processing times varied, with some cases taking up to a year or longer to be processed. If granted, the renunciant was issued a Certificate of Loss of Nationality (CLN) letter.

DOS' long-standing position has been that while the CLN was pending, the renunciant remained a U.S. citizen and thus was ineligible to be issued a visa to visit the U.S. for business, pleasure or other purposes (U.S. citizens are not eligible for visas). Without a U.S. passport in hand or being able to secure a U.S. visa, renunciants were deprived of their constitutional right to travel to the U.S. The practice of retaining/returning the passport as well as issuing/denying a visa varied from Embassy post to Embassy post. The lack of conformity left renunciants in a state of limbo with no clear guidance while waiting for the CLN.

Based on client experience and feedback, Withers raised the unconstitutionality of the legal dilemma with DOS and argued that a either the U.S. passport be returned to a renunciant or a temporary visa be issued. Seeing the merits of the legal and constitutional arguments made by Withers, DOS changed it policy.

On February 24, 2015, after extensive lobbying efforts by Withers, DOS officially amended its regulations. In an updated section of the State Department's Foreign Affairs Manual, Consular Officers at U.S. Embassies and Consulates around the world are now instructed to return U.S. passports to any recent U.S. citizen renunciant with travel plans to America.

For more information about the intricacies of the U.S. citizenship renunciation and any issue related thereto, please contact [Reaz Jafri](#).