

9 FAM 42.23 NOTES CERTAIN FORMER U.S. CITIZENS

*(CT:VISA-1061; 10-07-2008)
(Office of Origin: CA/VO/L/R)*

9 FAM 42.23 N1 CERTAIN FORMER U.S. CITIZENS WHO ARE ELIGIBLE FOR SPECIAL IMMIGRANT STATUS

9 FAM 42.23 N1.1 Women Expatriates

(CT:VISA-1061; 10-07-2008)

An alien woman, regardless of marital status, shall be classifiable as a special immigrant under INA 101(a)(27)(B) if you are satisfied by appropriate evidence that she was formerly a U.S. citizen and that she meets the requirements of INA 324(a).

9 FAM 42.23 N1.2 INA 324(a)

(CT:VISA-1061; 10-07-2008)

INA 324(a) allows for the naturalization of any person formerly a citizen of the United States who (1) prior to September 22, 1922, lost United States citizenship by marriage to an alien, or by the loss of United States citizenship of such person's spouse, or (2) on or after September 22, 1922, lost United States citizenship by marriage to an alien ineligible to citizenship, if no other nationality was acquired by an affirmative act of such person other than by marriage. No period of residence or physical presence is required, and the applicant need not intend to permanently reside in the United States. As with all persons who are naturalized in accordance with INA 317(a), the citizenship is not retroactive.

9 FAM 42.23 N2 MILITARY EXPATRIATES

(CT:VISA-1061; 10-07-2008)

An alien shall be classifiable as a special immigrant under INA 101(a)(27)(B) if you are satisfied by appropriate evidence that the alien was formerly a U.S. citizen and that the alien lost citizenship under the circumstances set forth in INA 327.

9 FAM 42.23 N2.1 INA 327

(CT:VISA-1061; 10-07-2008)

- a. INA 327 allows for the naturalization of any person who, (1) during World War II and while a citizen of the United States, served in the military, air, or naval forces of any country with which the United States was at war after December 7, 1941, and before September 2, 1945, and (2) has lost United States citizenship by reason of entering or serving in such forces. The citizenship is not retroactive.
- b. For the purposes of this section, World War II shall be deemed to have begun on September 1, 1939 and to have terminated on September 2, 1945.
- c. This section shall not apply to any person who during World War II served in the armed forces of a country while such country was at war with the United States.