



U.S. Department of Justice
Immigration and Naturalization Service

HQISD 70/48.2. 1-C

*425 1 Street NW
Washington, DC 20536*

AUG.8 2002

Mr. Dan Wayne Adams
15 Highfield Drive
Sandwich, MA 02563

Dear Mr. Adams:

This is in response to your letter dated December 7, 2001 which has been forward~ to the Headquarters Office of the Immigration and Naturalization Service (INS), in Washington, D.C. Through your letter, you attempt to expatriate yourself from the United Slates of America and to repatriate yourself into what you call the Republic of the United States. Further, you assert that unless the Government of the United States specifically disputes your attempted expatriation, that it has agreed to your expatriation from the United States of America.

United States nationality cannot be waived or relinquished by unilateral declaration, except as provided by law. Whether a person has lost or formally renounced his or her United States nationality is governed by the provisions of Section 349 of the Immigration and Nationality Act, 8 U.S.C. § 1481. Section 349 of the INA provides that a person who is a national of the United States, whether by birth or naturalization, can lose his or her nationality by voluntarily performing the following acts:

- (1) naturalizing in a foreign state after reaching the age of 18;
- (2) taking an oath, or making a formal declaration of allegiance, to a foreign state, or political subdivision thereof, after reaching the age of 18;
- (3) entering, or serving, in the armed forces of a foreign state, if the armed forces are engaged in hostilities against the United States, or the individual serves as a commissioned or non-commissioned officer of such armed forces;
- (4) accepting, serving in, or performing the duties of any office or employment under the government of a foreign state or, political subdivision thereof, after reaching the age of 18, if the person has acquired, or acquires, nationality of the foreign state;

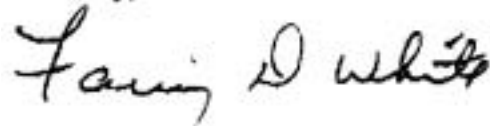
- (5) formally renouncing nationality before a diplomatic or consular officer of the United States in a foreign state, in the manner prescribed by the Secretary of State;
- (6) making, in the United States, a formal written renunciation of nationality in the manner prescribed by the Attorney General of the United States, when the United States is in a state of war and the Attorney General approves the renunciation as not contrary to the interests of national security; or
- (7) committing any act of treason against, or attempting by force to overthrow, or bearing arms against the United States.

No national of the United States can lose nationality while within the United States, except as stated in paragraphs (6) and (7) of Section 349 of the INA. See, INA § 351. However, loss of nationality shall result by the commission of other expatriating acts while within the United States, or any of its outlying possessions, "if and when the national thereafter takes up residence outside the United States and its outlying possessions."

A person who is not a citizen of the United States is an alien under the law, and as such, is not entitled to live or work in the United States, unless specifically authorized by law. An alien within the United States who is present in violation of law is subject to removal from the United States. Furthermore, aliens within the United States are subject to most of the same laws and responsibilities while living within the United States, as are citizens.

Your letter indicates that you were within the United States when you attempted to renounce your citizenship and that you intend to remain within the United States. As indicated above, a national cannot lose nationality except as specifically provided for by Section 349 of the INA. Your attempt to renounce your citizenship by submitting your letter to the INS does not comply with Section 349 of the INA. Therefore, you have not renounced your citizenship. Until you have effectively renounced your citizenship in compliance with Section 349 of the INA, you remain a national and citizen of the United States and are subject to the laws thereof. More information regarding renunciation of nationality is available from the Department of State, 2401 E Street, NW, Columbia Plaza, Washington, D.C. 20520.

Sincerely,



Fairy D. White
Supervisory Program Specialist
National Customer Service Center