tody of the Service a report upon those heretofore seeking citizenship to show by nationalities their relation to the numbers of aliens annually arriving and to the prevailing census populations of the foreign-born, their economic, vocational, and other classification, in statistical form, with analytical comment thereon, and to prepare such report annually hereafter. Payment for the equipment used in preparing such compilation shall be made from the appropriation for the enforcement of this chapter by the Service.

(June 27, 1952, ch. 477, title III, ch. 2, § 347, 66 Stat. 266.)

EFFECTIVE DATE

Section effective 180 days after June 27, 1952, see section 407 of act June 27, 1952, set out as a note under section 1101 of this title.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

§ 1459. Repealed. Pub. L. 101–649, title IV, § 407(d)(20), Nov. 29, 1990, 104 Stat. 5046

Section, acts June 27, 1952, ch. 477, title III, ch. 2, § 348, 66 Stat. 267; Oct. 24, 1988, Pub. L. 100–525, § 9(gg), 102 Stat. 2622, related to admissibility in evidence of statements voluntarily made to officers and employees in course of their official duties and penalties for failure of clerk of court to perform duties.

PART III—LOSS OF NATIONALITY

§ 1481. Loss of nationality by native-born or naturalized citizen; voluntary action; burden of proof; presumptions

(a) A person who is a national of the United States whether by birth or naturalization, shall lose his nationality by voluntarily performing any of the following acts with the intention of relinquishing United States nationality—

(1) obtaining naturalization in a foreign state upon his own application or upon an application filed by a duly authorized agent, after having attained the age of eighteen years; or

(2) taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state or a political subdivision thereof, after having attained the age of eighteen years; or

(3) entering, or serving in, the armed forces of a foreign state if (A) such armed forces are engaged in hostilities against the United States, or (B) such persons serve as a commissioned or non-commissioned officer; or

(4)(A) accepting, serving in, or performing the duties of any office, post, or employment under the government of a foreign state or a political subdivision thereof, after attaining the age of eighteen years if he has or acquires the nationality of such foreign state; or (B) accepting, serving in, or performing the duties of any office, post, or employment under the government of a foreign state or a political subdivision thereof, after attaining the age of eighteen years for which office, post, or employment an oath, affirmation, or declaration of allegiance is required; or

(5) making a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state, in such form as may be prescribed by the Secretary of State; or

(6) making in the United States a formal written renunciation of nationality in such form as may be prescribed by, and before such officer as may be designated by, the Attorney General, whenever the United States shall be in a state of war and the Attorney General shall approve such renunciation as not contrary to the interests of national defense; or

(7) committing any act of treason against, or attempting by force to overthrow, or bearing arms against, the United States, violating or conspiring to violate any of the provisions of section 2383 of title 18, or willfully performing any act in violation of section 2385 of title 18, or violating section 2384 of title 18 by engaging in a conspiracy to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, if and when he is convicted thereof by a court martial or by a court of competent jurisdiction.

(b) Whenever the loss of United States nationality is put in issue in any action or proceeding commenced on or after September 26, 1961 under, or by virtue of, the provisions of this chapter or any other Act, the burden shall be upon the person or party claiming that such loss occurred, to establish such claim by a preponderance of the evidence. Any person who commits or performs, or who has committed or performed, any act of expatriation under the provisions of this chapter or any other Act shall be presumed to have done so voluntarily, but such presumption may be rebutted upon a showing, by a preponderance of the evidence, that the act or acts committed or performed were not done voluntarily.

(June 27, 1952, ch. 477, title III, ch. 3, § 349, 66 Stat. 267; Sept. 3, 1954, ch. 1256, § 2, 68 Stat. 1146; Pub. L. 87–301, § 19, Sept. 26, 1961, 75 Stat. 656; Pub. L. 94–412, title V, § 501(a), Sept. 14, 1976, 90 Stat. 1258; Pub. L. 95–432, §§ 2, 4, Oct. 10, 1978, 92 Stat. 1046; Pub. L. 97–116, § 18(k)(2), (q), Dec. 29, 1981, 95 Stat. 1620, 1621; Pub. L. 99–653, §§ 18, 19, Nov. 14, 1986, 100 Stat. 3658; Pub. L. 100–525, §§ 8(m), (n), 9(hh), Oct. 24, 1988, 102 Stat. 2618, 2622.)

REFERENCES IN TEXT

The effective date of this chapter, referred to in subsec. (a), is the 180th day immediately following June 27, 1952. See section 407 of act June 27, 1952, set out as an Effective Date note under section 1101 of this title.

AMENDMENTS

1988—Subsec. (a). Pub. L. 100–525, § 9(hh), substituted ''A person'' for ''From and after the effective date of this chapter a person''.

Subsecs. (a) to (c). Pub. L. 100–525, § 8(m), (n), amended Pub. L. 99–653. See 1986 Amendment notes below.

1986—Subsec. (a). Pub. L. 99–653, § 18(a), as amended by Pub. L. 100–525, § 8(m)(1), inserted ''voluntarily performing any of the following acts with the intention of relinquishing United States nationality'' after ''his nationality by''.

Subsec. (a)(1). Pub. L. 99–653, § 18(b), substituted ''or upon an application filed by a duly authorized agent,