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Trump Policy to Strip Citizenship Sparks Constitutional Concerns

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The Trump administration's intensified push to strip citizenship from naturalized Americans through civil denaturalization proceedings has triggered constitutional debates and raised alarm within immigrant communities. A June 11, 2025, memo from the U.S. Department of Justice directs attorneys to "prioritize and maximally pursue" denaturalization in all cases permitted by law and supported by evidence, prompting concerns about due process and equal treatment.

Under the directive, DOJ civil litigators are instructed to “maximally pursue” denaturalization cases in all situations legally supported by evidence, even when allegations are minor or date back many years. Unlike deportation, which applies to noncitizens, denaturalization strips former citizens of their naturalized status, reverting them to noncitizens who may be subject to removal and lose access to rights granted under citizenship. The memorandum outlines ten priority categories, including national security threats, war crimes, fraud, and organized crime, and grants discretion to pursue other cases officials deem significant, giving the DOJ broad authority to expand enforcement.

Legal scholars warn this approach risks eroding foundational rights. Historically, denaturalization was rare and mostly reserved for individuals involved in war crimes or those who concealed material facts during naturalization, such as Nazi collaborators. Between 1990 and 2017, denaturalization averaged about 11 cases per year, but during the McCarthy era, it was used more broadly against suspected communists, a tactic the Supreme Court later restricted in *Afroyim v. Rusk*.

The Supreme Court’s landmark 1967 decision in *Afroyim v. Rusk* held that citizenship cannot be revoked without the citizen’s consent, except when it was obtained through fraud or misrepresentation during naturalization. Though the administration claims its policy targets fraud and security threats, critics argue that the expansive scope and reliance on civil proceedings with no guaranteed counsel, lack of jury trials, and a lower standard of proof undermine *Afroyim*’s protections. In civil denaturalization, defendants lack a right to a government-appointed attorney, are not afforded jury trials, and face a “clear and convincing” standard of proof lower than the criminal “beyond a reasonable doubt” threshold.

Critics say these disparities create a de facto two-tier system: natural-born citizens are immune from denaturalization, while naturalized citizens face the risk of losing citizenship over past mistakes or allegations, even decades later. With approximately 25 million naturalized citizens in the U.S., including over 800,000 in 2024 alone, the policy has fueled concern and uncertainty among immigrant communities.

Supporters argue the policy bolsters national security and preserves the integrity of the naturalization process, while opponents call it a dangerous precedent that threatens constitutional citizenship rights. As law professors who study citizenship rights have noted, allowing government officials to revoke citizenship through civil litigation with minimal safeguards risks turning a core democratic right into a conditional privilege.

Though legal challenges are expected, experts warn that the possibility of denaturalization decades after naturalization may have lasting chilling effects, raising concerns about equal protection and the promise of citizenship as a permanent right.

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