

9 FAM 42.23 NOTES

(CT:VISA-1870; 09-06-2012)
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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-1870; 09-06-2012)

An alien woman, regardless of marital status, *may* be *classified* as a special immigrant under INA 101(a)(27)(B) if *it is established* 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-1870; 09-06-2012)

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. *Nothing in INA 324(a) or any other provision of law confers citizenship retroactively upon such person, or any person who was naturalized under section 317(a) of the Nationality Act of 1940, during any period in which the person was not a citizen.*

9 FAM 42.23 N2 MILITARY EXPATRIATES

(CT:VISA-1870; 09-06-2012)

An alien *may* be *classified* 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.

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9 FAM 42.23 N3 INA 327

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- 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 at war with a country that the United States was at war with in World War II 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 does 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.*