

Bern, Switzerland
June 2, 2014

Mr. Daniel Kuettel
Vogelsangstr. 17
5620 Bremgarten

Renunciation of U.S. citizenship by a minor under age 16

Dear Mr. Kuettel:

This refers to your inquiry concerning renunciation of U.S. citizenship by your daughter.

Section 403(b) NA (Nationality Act of 1940) provides that persons could not divest themselves of U.S. nationality before turning age 18. There is, however, no legal minimum age under which renunciation is not permitted. Before an oath of renunciation will be administered under Section 349(a)(5) of the INA (Immigration and Nationality Act 1952), a person under the age of 18 must convince a U.S. diplomatic or consular officer that he/she fully understands the nature and consequences of the oath of renunciation, is not subject to duress or undue influence, and is voluntarily seeking to renounce his/her U.S. citizenship.

In light of the above, the consular officer and the Department of State must make a judgment whether the minor manifested the requisite maturity to appreciate the irrevocable nature of renunciation. **Children under age 16 are presumed not to have the requisite maturity and knowing intent.** After your daughter has attained the age of 16, she could send the Embassy a complete and fully detailed letter with copies of her U.S. passport and passport of her other nationalities explaining the reason why she wishes to renounce her U.S. citizenship. Your daughter must also individually call the Embassy (031/357 70 11 Monday-Friday 14:00-16:00) to discuss the matter directly with a consular officer. This should be done not earlier than a week after that the letter has been submitted. Subsequently the Embassy must contact the Department of State for consultations; this is the procedure when an individual under age 18 wishes to renounce U.S. citizenship. If, in the alternative, your daughter should chose to renounce her U.S. citizenship after the age of 18, she would then contact the Embassy and receive an informational letter with all appropriate instructions for renunciation as an adult.

Sincerely,

J Barrett Travis
Vice Consul