

PRESS RELEASE

Wiley Rein Files *Amicus* Brief on Behalf of Key Nonprofit and Public Interest Groups in Critical Supreme Court Case Involving Rights of Naturalized U.S. Citizens

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Washington, DC—On March 6, Wiley Rein LLP filed an *amicus brief* on behalf of Asian Americans Advancing Justice/Asian-American Justice Center (AAJC) and the National Association of Latino Elected and Appointed Officials (NALEO) Education Fund in a case before the Supreme Court of the United States, *Maslenjak v. United States*. This precedent-setting case involves the question of whether a naturalized U.S. citizen may have his or her citizenship revoked and be subjected to criminal charges on the basis of a determination, after the fact, that he or she provided a false response to a question in the course of immigration proceedings, where the subject matter of the falsehood was not material to the determination of eligibility for citizenship in the first place.

More than 70 additional nonprofit and public interest legal organizations have signed onto the brief, including the American-Arab Anti-Discrimination Committee, the Center for Constitutional Rights, the Council on American-Islamic Relations, the Hispanic National Bar Association, the League of Women Voters of the United States, the National Asian Pacific American Bar Association; the National Bar Association, the National Organization for Women Foundation, and the Southern Poverty Law Center.

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"This is an incredibly significant case and important issue," said Theodore A. Howard, the Pro Bono Partner at Wiley Rein. "It goes to the very heart of a fair and just process for immigrants who become naturalized citizens of the United States. Our country benefits greatly when immigrants become full and equal members of society, and America stands to lose a great deal if we break this compact based on trivial misstatements and omissions made while seeking citizenship."

The *amicus* brief was filed in support of petitioner Divna Maslenjak, a naturalized U.S. citizen who is challenging a decision by the U.S. Court of Appeals for the Sixth Circuit to uphold a prior conviction. Ms. Maslenjak is a native of Bosnia who came to the U.S. in 2000 as a refugee, and was later alleged to have made false statements during her naturalization process. At trial, the jurors were instructed that in order to find that Ms. Maslenjak had fraudulently obtained her citizenship, they need not find that her false statements were material to the decision to approve her naturalization. The Sixth Circuit affirmed the jury's conviction of Ms. Maslenjak on that basis.

According to the *amicus* brief, the Sixth Circuit's determination that "any knowing false statement or omission can be grounds for denaturalization and criminal prosecution would have dire consequences for naturalized citizens, significantly discourage lawful immigrants from seeking citizenship, and undermine a cornerstone of American society and values." In the brief, the amici respectfully urge the Supreme Court to reverse the Sixth Circuit's decision and side with the First, Fourth, Seventh, and Ninth Circuits in holding that Sections 1425(a) and 1015(a) of the U.S. Criminal Code are violated only when an individual procures naturalization by a material false statement.

A team of Wiley Rein attorneys who also have been actively engaged in the Capital Area Immigrants' Rights (CAIR) Coalition's Criminal-Immigration (Crim-Imm) project, including of counsel Matthew J. Gardner and P. Nicholas Peterson, along with associates Dylan Hix, Madeline J. Cohen, and John T. Lin, and staff attorney Luke J. Karamyalil, worked extensively on the brief with Mr. Howard, who is counsel of record for the amici. Cecelia Chang of AAJC and Erin Hustings of NALEO also collaborated on the brief.

To read the *amicus* brief, please [click here](#).