

Supreme Court Protects Naturalized Citizens

By Rishi P. Oza

With a blistering rebuke of the position of the United States government in revoking a naturalized citizen's citizenship status, the United States Supreme Court turned in a 9-0 opinion in the favor of Ms. Divna Maslenjak, an ethnic Serbian who lied about her husband's prior occupation when seeking to obtain a visa to the United States. Ms. Maslenjak lived in Bosnia during the 1990s, when a civil war divided the new country. In 1998, she and her family sought refugee status in the United States and while being interviewed, Ms. Maslenjak explained that her family feared persecution from both sides of the national rift: Muslims would mistreat them because of their ethnicity, and Serbs would abuse them because Maslenjak's husband had evaded service in the Bosnian Serb Army by leaving for Serbia. Based upon her sworn testimony, American officials granted them refugee status. Years later, Ms. Maslenjak applied for U.S. citizenship. In the application process, she swore that she had never given false information to a government official while applying for an immigration benefit or lied to an official to gain entry into the United States. She was naturalized as a U.S. citizen; however, American officials later discovered that she had not been truthful regarding her husband's background, as she had known all along that her husband spent the war years serving as an officer in the Bosnian Serb Army. As a result, she was charged with obtaining her citizenship in violation of law.

In obtaining her naturalization, the U.S. government charged that she had knowingly made a false statement under oath in a naturalization proceeding. She was ultimately convicted, denaturalized and removed from the United States back to Serbia. The Supreme Court found that her conviction was incorrect and held that the untruth that she told had to have caused her to have been ineligible for naturalization. As the majority decision summarized, under the government's reading of the law, "any lie told in the naturalization

process would provide a basis for rescinding citizenship." This could amount to an individual claiming that he is 5'11" when he is, in fact, 5'9" or weighs 170lbs when he is in fact, 185lbs. The Court found this reading unreasonable, as no individual's naturalization application would be approved or denied based upon his height or weight; similarly, the Court found that Ms. Maslenjak's husband's occupation with

delivered the majority opinion, went on to state: "I am a little bit horrified to know that every time I lie about my weight, it has those kinds of consequences."

The Court's conclusion in the Maslenjak case stands as a testament to the ongoing checks the continue between the branches of our country's government, ensuring that an attempted overreach by one does not go unnoticed by the others.

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the Bosnian Serb Army had to have some type of material effect on her application for naturalization. Without showing some connection, the lie was immaterial.

The Supreme Court's decision is an important protection for millions of naturalized U.S. citizens. While the likelihood of prosecution over a mundane matter such as height or weight is unlikely, the question of citizenship, particularly when the president has questioned the concept of birthright citizenship, cannot be understated. The Supreme Court's pushback against the government's position is a vindicating protection against what some have considered a substantial governmental overreach. When questioning the government's attorney, Chief Justice John Roberts asked whether omitting a speeding ticket from over 20 years ago would lead to denaturalization and a possible criminal charge. When the government attorney indicated that it would, Roberts scoffed "Oh, come on." Justice Elena Kagan, who ultimately

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