

PRESS RELEASE

Wiley Rein Files *Amicus* Brief in 'Proof of Citizenship' Immigration Case

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Washington, DC—Wiley Rein LLP filed an *amicus* brief in the U.S. Court of Appeals for the Fifth Circuit on behalf of the Catholic Legal Immigration Network, Inc. (CLINIC) and Asian-Americans Advancing Justice/The Asian-American Justice Center (AAJC) in *Candela-Rios v. Sessions*, an important immigration case. The brief sets forth significant policy reasons supporting the reversal of a lower court decision in which the district judge improperly shifted the burden of proof with respect to an individual's status as a natural-born U.S. citizen from the government to the citizen. In its ruling, the court stated it was obligated to "resolve all doubts in favor of the United States and against those seeking to establish citizenship."

The Wiley Rein brief argues that it is the government, not the individual, which is obligated in such cases to disprove citizenship and demonstrate alienage subject to a heightened "clear, unequivocal and convincing evidence" standard. The brief further argues that because of the significant extent to which U.S. citizens are already subjected, erroneously, to immigration proceedings by the government, allowing this shifting of the burden of proof to take place enhances the likelihood that citizens will be incorrectly deported and left, in many instances, stateless as a result.

The brief, filed September 22, was authored by Wiley Rein Pro bono Partner Theodore A. Howard, of counsel P. Nicholas Peterson, and associates Usha Neelakantan, Madeline J. Cohen, John T. Lin, and

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