Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See United States v. Detroit Timber & Lumber Co., 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

MASLENJAK v. UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

No. 16–309. Argued April 26, 2017—Decided June 22, 2017

Petitioner Divna Maslenjak is an ethnic Serb who resided in Bosnia during the 1990's, when a civil war divided the new country. In 1998, she and her family sought refugee st atus in the United States. Interviewed under oath, Maslenjak ex plained that the family feared persecution from both sides of th e national rift: Muslims would mistreat them because of their ethnicity, and Serbs would abuse them because Maslenjak's husband had evad ed service in the Bosnian Serb Army by absconding to Serbia. Pe rsuaded of the Maslenjaks' plight, American officials granted them refu gee status. Years later, Maslen -

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Syllabus

§1015(a) and procured naturalization, then she also violated §1425(a).

Held:

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to seek refugee status in the United States. Interviewed under oath, Maslenjak explained that the family feared persecution in Bosnia from both sides of the national rift. Muslims, she said, would mistreat them because of their ethnicity. And Serbs, she testified, would abuse them because her husband had evaded service in the Bosnian Serb Army by absconding to Serbia—where he remained hidden, apart from the family, for some five years. See App. to Pet. for Cert. 58a–60a. Persuaded of the Maslenjaks' plight, American officials granted them refugee status, and they immigrated to the United States in 2000.

Six years later, Maslenjak applied for naturalization. Question 23 on the application form asked whether she had ever given "false or misleading information" to a government official while applying for an immigration benefit; question 24 similarly asked whether she had ever "lied to a[] government official to gain entry or admission into the United States." Id., at 72a. Maslenjak answered "no" to both questions, while swearing under oath that her replies were true. Id., at 72a, 74a. She also swore that all her written answers were true during a subsequent interview with an immigration official. In August 2007, Maslenjak was naturalized as a U. S. citizen.

But Maslenjak's professions of honesty were false: In fact, she had made up much of the story she told to immigration officials when seeking refuge in this country. Her fiction began to unravel at around the same time she applied for citizenship. In 2006, immigration officials confronted Maslenjak's husband Ratko with records showing that he had not fled conscription during the Bosnian civil war; rather, he had served as an officer in the Bosnian Serb Army. And not only that: He had served in a brigade that participated in the Srebrenica massacre—a slaughter of some 8,000 Bosnian Muslim civilians. Within a year, the Government convicted Ratko on charges of making false statements on immigration documents. The

in its acquisition.[2]

The Government's contrary view—that §1425(a) requires only a "violation[] of law in the course of procuring naturalization"—falters on the way language naturally works. Brief for United States 14. Return for a moment to our artwork example. Imagine this time that John made an illegal turn while driving to the auction house to purchase a painting. Would you say that he had "procured the painting illegally" because he happened to violate the

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[2] To be fair, the idea of "obtaining citizenship illegally" has one other possible meaning, but no one defends it here because it does not fit with the rest of §1425. On this alternative reading, a person would violate §1425(a) by obtaining citizenship without the requisite legal qualifications—regardless of whether she committed another illegal act in the naturalization process. To vary our earlier example, suppose someone told you that John procured a gun illegally. You might think that meant John got the gun through independently unlawful conduct (e.g., he held up a gun store), as in the case of the painting. But you might instead think that John was just not legally qualified to take possession of a gun—because, for example, he once committed a felony. That alternative interpretation is plausible with respect to goods that not everyone is eligible to obtain, like guns—or like naturalization. And indeed, we have interpreted a civil statute closely resembling §1425(a)—which authorizes denaturalization when, inter alia, citizenship is "illegally procured," 8 U. S. C. §1451(a)—to cover that qualifications-based .9(ai [(ins))-8.4(r1TJ -0.0i)3.ueass6nee8 Tc 0 Tw 31.467 0 4o7g6other 7.9((i)2.9(Fedor0.4(i t

law in the course of obtaining it? Not likely. And again, the same is true with respect to naturalization. Suppose that an applicant for citizenship fills out the necessary paperwork in a government office with a knife tucked away in her handbag (but never mentioned or used). She has violated the law—specifically, a statute criminalizing the possession of a weapon in a federal building. See 18 U. S. C. §930. And she has surely done so "in the course of" procuring citizenship. But would you say, using English as you ordinarily would, that she has "procure[d]" her citizenship "contrary to law" (or, as you would really speak, "illegally")? Once again, no. That is because the violation of law and the acquisition of citizenship are in that example merely coincidental: The one has no causal relation to the other.

The Government responds to such examples by seeking to define them out of the statute, but that effort falls short for multiple reasons. According to the Government, the laws to which §1425(a) speaks are only laws "pertaining to naturalization." Brief for United States 20. But to begin with, that claim fails on its own terms. The Government's proposed limitation has no basis in §1425(a)'s text (which refers to "law" generally); it is a deus ex machina—rationalized only by calling it "necessary," Tr. of Oral Arg. 39, and serving only to get the Government out of a tight interpretive spot. Indeed, the Government does not really buy its own argument: At another point, it asserts that an-

naturalization, in other words, are subject to the same rules of language usage as laws concerning other subjects. And under those rules, as we have shown, §1425(a) demands a means-end connection between a legal violation and naturalization. See supra, at 5–6. Take §1015(a)'s bar on making false statements in connection with naturalization—the prototypical §1425(a) predicate, and the one at issue here. If such a statement (in an interview, say) has no bearing at all on the decision to award citizenship, then it cannot render that award—as §1425(a) requires—illegally gained.

The broader statutory context reinforces that point, because the Government's reading would create a profound mismatch between the requirements for naturalization on the one hand and those for denaturalization on the other. See West Virginia Univ. Hospitals, Inc. v. Casey, 499 U. S. 83, 101 (1991) ("[I]t is our role to make sense rather than nonsense out of the corpus juris"). The immigration statute requires all applicants for citizenship to have "good moral character," and largely defines that term through a list of unlawful or unethical behaviors. 8 U. S. C. §§1427(a)(3), 1101(f).[3] On the Government's theory, some legal violations that do not justify denying citizenship under that definition would nonetheless justify revoking it later. Again, false statements under §1015(a) offer an apt illustration. The statute's description of "good moral character" singles out a specific class of lies—"false testimony for the purpose of obtaining [immigration] benefits"—as a reason to deny naturalization. 8 U. S. C. §1101(f)(6). By contrast, "[w]illful misrepresentations made for other reasons, such as embarrassment, fear, or a desire for privacy, were not deemed sufficiently culpable to

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[3] The list of disqualifying conduct is wide-ranging. See, e.g., 8 U. S. C. §1101(f)(4) (illegal gambling); §1101(f)(8) (aggravated felony conviction); §1101(f)(9) (participation in genocide).

brand the applicant as someone who lacks good moral character"—and so are not generally disqualifying. Kungys v. United States, 485 U. S. 759, 780 (1988) (quoting Supplemental Brief for United States 12). But under the Government's reading of §1425(a), a lie told in the naturalization process—even out of embarrassment, fear, or a desire for privacy—would always provide a basis for rescinding citizenship. The Government could thus take away on one day what it was required to give the day before.

And by so wholly unmooring the revocation of citizenship from its award, the Government opens the door to a world of disquieting consequences—which we would need far stronger textual support to believe Congress intended. Consider the kinds of questions a person seeking citizenship confronts on the standard application form. Says one: "Have you been . . . in any way associated with[] any organization, association, fund, foundation, party, club, society, or similar group[?]" Form N–400, Application for Naturalization 12 (2016), online at http://www.uscis.gov/n-400 (as last visited June 20, 2017) (bold in original). Asks another: "Have you committed . . . a crime or offense for which you were arrested?" Id., at 14. Suppose, for reasons of embarrassment or what-have-you, a person concealed her membership in an online support group or failed to disclose a prior speeding viola-

some role in her naturalization.

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That conclusion leaves us with a more operational question: How should §1425(a)'s requirement of causal influence apply in practice, when charges are brought under that law?[4] Because the proper analysis may vary with the nature of the predicate crime, we confine our discussion of that issue to the kind of underlying illegality alleged here: a false statement made to government officials. Such conduct can affect a naturalization decision in a single, significant way—by distorting the Government's understanding of the facts when it investigates, and then adjudicates, an application. So the issue a jury must decide in a case like this one is whether a false statement sufficiently altered those processes as to have influenced an award of citizenship.

The answer to that question, like the naturalization decision itself, turns on objective legal criteria. Congress

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[4] JUSTICE GORSUCH would stop before answering that question, see post, at 2 (opinion concurring in part and concurring in judgment), but we think that such a halfway-decision would fail to fulfill our responsibility to both parties and courts. The Government needs to know what prosecutions to bring; defendants need to know what defenses to offer; and district courts need to know how to instruct juries. Telling them only "§1425(a) has something to do with causation" would not much help them make those decisions. And we are well-positioned to provide further guidance. The parties have had every opportunity to address the nature of the statute's causal standard, and both gave us considered views about how the law should work in practice. See, e.g., Brief for Petitioner 23–24, 30; Brief for United States 17–18, 48; Tr. of Oral Arg. 14–16, 23–25, 39–46. Moreover, many lower courts have already addressed those same issues—including one that has called this Court's failure to provide clear guidance "maddening[]." Latchin, 554 F. 3d, at 713; see, e.g., id., at 713–714; Munyenyezi, 781 F. 3d, at 536–538; Alferahin, 433 F. 3d, at 1155; Aladekoba, 61 Fed. Appx., at 27–28; United States v. Acheampong, 2015 WL 926113, *2–*3 (D Kan., Mar. 3, 2015); United States v. Odeh, 2014 WL 5473042, *7–*8 (ED Mich., Oct. 27, 2014).

quirement, when in fact she had not. The Government need only expose that lie to establish that she obtained naturalization illegally—for had she told the truth instead, the official would have promptly denied her application. Or consider another, perhaps more common case

accord, id., at 783–784 .

reasonable official to make some further investigation (say, into the circumstances of her admission), (2) that

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No. 16–309

DIVNA MASLENJAK, PETITIONER v.
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[June 22, 2017]

JUSTICE GORSUCH, with whom JUSTICE THOMAS joins, concurring in part and concurring in the judgment.

The Court holds that the plain text and structure of the statute before us require the Government to prove causation as an element of conviction: The defendant's illegal conduct must, in some manner, cause her naturalization. I agree with this much and concur in Part II–A of the Court's opinion to the extent it so holds. And because the jury wasn't instructed at all about causation, I agree too that reversal is required.

But, respectfully, there I would stop. In an effort to "operational[ize]" the statute's causation requirement, the Court says a great deal more, offering, for example, two newly announced tests, the second with two more subparts, and a new affirmative defense—all while indicating that some of these new tests and defenses may apply only in some but not all cases. See, e.g., ante, at 10–15. The work here is surely thoughtful and may prove entirely sound. But the question presented and the briefing before us focused primarily on whether the statute contains a materiality element, not on the contours of a

lower courts have not had a chance to pass on any of these questions in the first instance. Most cited by the Court have (again) focused only on the materiality (not causation) question; none has tested the elaborate operational details advanced today; and at least one has found our prior unilateral and fractured foray into a related statute in Kungys v. United States, 485 U. S. 759 (1988), "maddening[]." See ante, at 10, n. 4 (collecting cases).

Respectfully, it seems to me at least reasonably possible that the crucible of adversarial testing on which we usually depend, along with the experience of our thoughtful colleagues on the district and circuit benches, could yield insights (or reveal pitfalls) we cannot muster guided only by our own lights. So while I agree with the Court that the parties will need guidance about the details of the statute's causation requirement, see ibid., I have no doubt that the Court of Appeals, with aid of briefing from the parties, can supply that on remand. Other circuits may improve that guidance over time too. And eventually we can bless the best of it. For my part, I believe it is work enough for the day to recognize that the statute requires some proof of causation, that the jury instructions here did not, and to allow the parties and courts of appeals to take it from there as they usually do. This Court often speaks most wisely when it speaks last.

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[June 22, 2017]

JUSTICE ALITO, concurring in the judgment.

We granted review in this case to decide whether "a naturalized American citizen can be stripped of her citizenship in a criminal proceeding based on an immaterial false statement." Pet. for Cert. i. The answer to that question is "no." Although the relevant criminal statute, 18 U. S. C. §1425(a), does not expressly refer to the concept of materiality, the critical statutory language effectively requires proof of materiality in a case involving false statements. The statute makes it a crime for a person to "procure" naturalization "contrary to law." In false statement cases, then, the statute essentially imposes the familiar materiality requirement that applies in other contexts. That is, a person violates the statute by procuring naturalization through an illegal false statement which has a "natural tendency to influence" the outcome—that is, the obtaining of naturalization. Kungys v. United States, 485 U. S. 759, 772 (1988).

Understood in this way, Section 1425(a) does not require proof that a false statement actually had some effect on the naturalization decision. The operative statutory language—"procure" naturalization "contrary to law"—imposes no such requirement.

Here is an example. Eight co-workers jointly buy two season tickets to see their favorite football team play.

ALITO,