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## **SUPREME COURT EASES RULES FOR FOREIGNERS TO TRY TO STAY IN U.S.**

**WASHINGTON, DC** – Immigrants eligible for “green cards” – lawful immigrant status – will benefit from a decision the U.S. Supreme Court issued today. The Court held that certain people who may be eligible for legal status in the U.S., for example, through a U.S. citizen spouse, can remain in the country to process their applications, rather than leaving the country, which would cut off their very opportunity to seek this benefit.

The Court held that, under some circumstances, people may withdraw their voluntary agreement to leave the U.S. and continue with an application for lawful status. The decision resolved conflicts in the lower courts and a possible conflict between two parts of the immigration law. Under the government’s reading of the law – which had been accepted by some federal courts – intending immigrants who left the U.S. would no longer be eligible for a “green card,” but if they stayed in the U.S. longer than authorized, they also would not be eligible for it. The Court found a way to resolve this “rock and hard place” dilemma, allowing these people to withdraw their agreement to leave and remain in the country to pursue their application for lawful status.

“The Supreme Court rejected the government’s hard-line approach to immigrants and to lawful immigration options,” said Nadine Wettstein, legal director of the American Immigration Law Foundation (AILF), which filed a “Friend of the Court” brief in the case. “The Court correctly held that immigrants’ rights under the law must be respected,” Wettstein added.

“This decision should send a message to the government,” added Beth Werlin, AILF’s Litigation Clearinghouse Attorney and co-author of AILF’s Amicus Curiae brief. “The government should have reached this conclusion on its own years ago, rather than fighting through the courts.”

The decision is *Dada v. Mukasey*, No. 06-1181, reversing the Fifth Circuit Court of Appeals. Justice Kennedy wrote the opinion for a five-justice majority. Justice Scalia filed an opinion for three dissenters. Justice Alito wrote a separate dissent.

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