

United States Supreme Court

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Sessions v. Morales-Santana, 15-1191

In a case challenging the Immigration and Nationality Act's framework for U.S. citizenship from birth by a child born abroad, when one parent is a U. S. citizen and the other a citizen of another nation, the Second Circuit's decision reversing the BIA and holding unconstitutional the differential treatment of unwed mothers and fathers in section 1409, is affirmed in part, reversed in part, and remanded where: 1) the gender line Congress drew is incompatible with the Fifth Amendment's requirement that the Government accord to all persons 'the equal protection of the laws'; and 2) because this Court is not equipped to convert section 1409(c)'s exception for unwed U.S.-citizen mothers into the main rule displacing sections 1401(a)(7) and 1409(a), it falls to Congress to select a uniform prescription that neither favors nor disadvantages any person on the basis of gender.

Read Sessions v. Morales-Santana, 15-1191

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Appellate Information

Argued
Submitted
Decided
Published 2017/06/12

Judges

GINSBURG

Court

United States Supreme Court

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