

False Claims to U.S. Citizenship

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False claims to US citizenship bar lawful immigration and provide grounds for removal from the United States when made to secure any benefit under US immigration law, or any other federal benefit, (like social security) or state benefit, (like a drivers license). No pardon is available. One exception is where the person falsely claiming US citizenship has been permanently residing in this country since age 16, shows both parents are or were US citizens, and reasonably believes the false claim was true.

For about a decade, claims of US citizenship on Form I-9, which must be filled out to show employment eligibility, were held by the Ninth Circuit Court of Appeals to not violate immigration law. The form previously had job seekers claim nationality or citizenship as a single choice, and falsely claiming nationality doesn't violate immigration law. Yet, Form I-9 has been revised and job seekers must claim either citizenship or nationality as separate choices, so that the Ninth Circuit will no longer rule tolerantly to false claims to citizenship on Form I-9.

What about using a false US birth certificate in applying for a sheriff's card? While this act violates several state and federal criminal statutes, the local office of the Department of Homeland Security has ceased prosecuting immigration violations due to my advocacy on a client's behalf. Firstly, I argued that a false claim made in relation to a Clark County Ordinance is not in pursuit of a federal or state benefit. Secondly, the false claim was wrongfully prosecuted during past years because sheriff's cards were unlawfully required in prior years wherever background checks were evaluated to be unlawful intrusions upon worker privacy. More recently, sheriff's cards are required for jobs that call for security clearance, but not jobs such as maids, as was my client, or for busboys. Third, the false claim was not for the applicant's benefit but for the benefit of casinos as a background check. Thankfully, this mother of a US citizen now has her green card.