

20-979 PATEL V. GARLAND

DECISION BELOW: 971 F.3d 1258

LOWER COURT CASE NUMBER: 17-10636

QUESTION PRESENTED:

Petitioner Pankajkumar S. Patel checked a box on a Georgia driver's license application erroneously identifying himself as a U.S. citizen, even though Mr. Patel was eligible for a license regardless of his citizenship. When Mr. Patel later sought to adjust his status to lawful permanent resident, a divided panel of the Board of Immigration Appeals (BIA) denied him relief, holding that he is inadmissible because he "falsely represented" himself as a U.S. citizen for a benefit under state law. 8 U.S.C. § 1182(a)(6)(C)(ii).

Rejecting the government's own position and that of nearly every other circuit, the en banc Eleventh Circuit, by a 9-5 vote, held that it lacked jurisdiction to review threshold eligibility findings for five major categories of discretionary relief from removal, such as whether Mr. Patel is inadmissible for mistakenly representing himself as a U.S. citizen. The Eleventh Circuit separately held, contrary to a precedential BIA decision, that Section 1182(a)(6)(C)(ii) renders noncitizens inadmissible even if their misrepresentation of citizenship is immaterial to the government benefit sought.

The questions presented are:

1. Whether 8 U.S.C. § 1252(a)(2)(B)(i) preserves the jurisdiction of federal courts to review a nondiscretionary determination that a noncitizen is ineligible for certain types of discretionary relief.
2. Whether 8 U.S.C. § 1182(a)(6)(C)(ii), which renders a noncitizen inadmissible for "falsely represent[ing]" oneself to be a U.S. citizen for a government benefit, applies to immaterial misrepresentations.

GRANTED LIMITED TO QUESTION 1 PRESENTED BY THE PETITION

ORDER OF JUNE 29, 2021

TAYLOR A.R. MEEHAN, ESQUIRE, OF CHICAGO, ILLINOIS, IS INVITED TO BRIEF AND ARGUE THIS CASE, AS *AMICUS CURIAE*, IN SUPPORT OF THE JUDGMENT BELOW.

CERT. GRANTED 6/28/2021