

## FOR IMMEDIATE RELEASE

### *Accidental Americans File Reply to State Department's Opposition in Landmark Lawsuit Challenging U.S. Government's Fee to Renounce U.S. Citizenship. Astronomical Renunciation Fee Stigmatizes and Deters Americans from Expatriating*

The Association of Accidental Americans, a French non-profit society, together with 20 “accidental Americans” (persons deemed to be U.S. citizens because they happened to be born in the U.S. but lived all of their lives abroad as citizens of another country), today filed a Reply Memorandum in support of their Motion for Partial Summary Judgment, asking the court to rule that the right to voluntarily renounce U.S. citizenship is a fundamental right.

As followers of this case may recall, in *L'Association des Américains Accidentels, et al. v. U.S. Department of State, et al.*, Case No. 20-cv-3573, the plaintiffs, residing in some 13 different countries around the world, have asked the United States District Court for the District of Columbia to rule for the first time in history that Americans have a fundamental right to expatriate and renounce their U.S. citizenship under the U.S. Constitution. The Renunciation Fee — currently set at \$2,350 — is the highest by far charged by any nation for the voluntary renunciation of citizenship. Many countries charge nothing for the right to expatriate, which was the case in the United States for over 200 years.

The State Department has argued that charging a fee for a government service does not violate the U.S. Constitution. For example, a state may charge a fee for an organization to conduct a parade or protest protected by the First Amendment.

In their latest filing, Plaintiffs provide numerous reasons why the parade/protest license cases don't apply to the Renunciation Fee. First, the Renunciation Fee is not authorized by law. Second, the fee is exorbitant and far exceeds the real costs to the government. Third, in relying on the parade/protest cases, the government failed to acknowledge the fundamental nature of the right to renounce.

As stated in their Reply Memorandum, U.S. law:

does not permit an agency to impose a tax on the exercise of constitutionally protected rights. It does not permit an agency to concoct a user-fee based almost entirely on indirect and overhead costs. It does not grant an agency a blank check to assess a fee without providing a coherent and credible calculation of the fee. It does not permit an agency to create a fee for something that the government lacks the authority to provide.

The Plaintiffs have requested that court deny the government's motion to dismiss and for summary judgment and to grant their own motion for partial summary judgment on their constitutional and international law claims.

Statement by Fabien Lehagre, founder and president of the Association of Accidental Americans:

*We remain optimistic about the ultimate disposition of this landmark case concerning the rights of accidental Americans abroad. All the issues have been thoroughly briefed by our attorneys and the government and all that remains is a fair judgment by the court.*

The Plaintiffs are being represented by L. Marc Zell and Noam Schreiber of the international law firm, Zell & Associates International Advocates, LLC.

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