
Bipartisan Amicus Brief Offers Development in *Scialabba v. Cuellar de Osorio*

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An amicus brief recently filed by a bipartisan group of United States Senators, five current and one former, delivers a noteworthy development in *Scialabba v. Cuellar de Osorio*, a Supreme Court case dealing with an important issue of immigration law that WilmerHale Partner [Mark Fleming](#) is set to argue in early December.

The case involves the interpretation of the Child Status Protection Act (CSPA), which was passed in 2002, in an effort to maintain the unity of families immigrating to the United States by allowing children who turn 21 years old while waiting for a visa to be able to immigrate close in time to their parents and younger siblings. The group of legislators filed the brief in support of the interpretation of the CSPA argued by WilmerHale and in opposition to the interpretation adopted by the Board of Immigration Appeals and now defended by the Solicitor General's Office.

The bipartisan brief caught the attention of *The National Law Journal* in a recently published article, "Bipartisan Agreement on What Immigration Law Means." The November 13 article reported on the arguments made by the legislators, most notably that the "Court should not allow the Solicitor General to introduce ambiguity into the CSPA where none exists."

The signatories to the brief—three Republicans and three Democrats—were all in the Senate when the CSPA was enacted in 2002. The signatories are: Dianne Feinstein (D-CA), Orrin Hatch (R-UT), John McCain (R-AZ), Robert Menendez (D-NJ), Charles Schumer (D-NY) and former Senator Sam Brownback (R-KS), who is now the Governor of Kansas.