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

WASHINGTON, PARIS, June 17, 2021 – 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 45-page Memorandum opposing the U.S. Government’s motion for summary judgment on plaintiffs’ landmark lawsuit challenging as unconstitutional the State Department’s \$2,350 fee for the voluntary renunciation of U.S. citizenship. Plaintiffs have also filed a cross-motion for summary judgment, asking the court to rule that the right to voluntarily renounce U.S. citizenship is a fundamental right. A copy of plaintiffs’ Opposition and Motion can be found [here](#).

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 is the highest by far charged by any nation for the renunciation of citizenship. Many countries charge nothing for the right to expatriate, which was the case in the United States for some 239 years.

A \$450 renunciation charge was imposed for the first time in 2010 at the same time the U.S. enacted the controversial Foreign Account Tax Compliance Act (FATCA) which has caused thousands of accidental and other Americans living abroad tremendous hardship in conducting their daily financial affairs. Because of FATCA many foreign banks have expelled their American citizen customers and refuse to provide banking services to Americans. Other financial institutions have imposed burdensome administrative procedures and are transferring sensitive personal financial data to the American tax authorities. The data transfer provisions of FATCA have been criticized as violating European and other data protection rules, particularly in light of recent mass hacking attacks in the U.S. resulting in the disclosure of millions of private data files.

FATCA has caused a dramatic increase in the number of Americans living overseas seeking to renounce their U.S. citizenship. For many the steep Renunciation Fee is prohibitive, forcing them to delay or forego expatriation in violation of the U.S. Constitution’s protection for due process, free speech and the prohibition against excessive fines.

In their latest filing, Plaintiffs’ counsel explain how the right to expatriate is a fundamental constitutional liberty with deep roots in American history and political tradition. The Government says the Fee is needed to cover processing costs of a very “time-consuming” process. However, plaintiffs show that when weighed against the fundamental right to renounce, the State Department’s cost recovery rationale fails to pass the strict constitutional test.

Also, when the Government’s own statistics are analyzed - together with taking into consideration the timing of FATCA -, the Renunciation Fee may have a more sinister purpose: to stigmatize and deter Americans abroad from exercising their fundamental, natural right to expatriate.

For Fabien Lehagre, President of the Association of Accidental Americans, "***FATCA and other related laws targeting and placing heavy burdens on U.S. citizens abroad have left accidental Americans with little choice but to renounce U.S. citizenship. The time has come for the Biden administration to allow us to cut off our ties with the United States and to freely exercise our fundamental right to renounce our citizenship.***"

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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