

SCALIA, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 99–2071

TUAN ANH NGUYEN AND JOSEPH BOULAIS,
PETITIONERS *v.* IMMIGRATION AND
NATURALIZATION SERVICE

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE FIFTH CIRCUIT

[June 11, 2001]

JUSTICE SCALIA, with whom JUSTICE THOMAS joins,
concurring.

I remain of the view that the Court lacks power to provide relief of the sort requested in this suit—namely, conferral of citizenship on a basis other than that prescribed by Congress. See *Miller v. Albright*, 523 U. S. 420, 452 (1998) (SCALIA, J., concurring in judgment). A majority of the Justices in *Miller* having concluded otherwise, see *id.*, at 423 (opinion of STEVENS, J., joined by REHNQUIST, C. J.); *id.*, at 460 (GINSBURG, J., joined by SOUTER and BREYER, JJ., dissenting); *id.*, at 471 (BREYER, J., joined by SOUTER and GINSBURG, JJ., dissenting); and a majority of the Court today proceeding on the same assumption; I think it appropriate for me to reach the merits of petitioners’ equal protection claims. I join the opinion of the Court.