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Sent on: Wednesday, March 24, 2021 5:47:50 PM
To: OPLA HQ Personnel (b)(7)(E) @ice.dhs.gov>; OPLA Field Personnel (b)(7)(E) @ice.dhs.gov>
Subject: Broadcast Message: DHS Position on Connecticut Pardons

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Disseminated on behalf of Ken Padilla and Adam V. Loiacono . . .

The Immigration and Nationality Act (INA) limits recognition of pardons of criminal convictions for immigration purposes to full and unconditional pardons by a governor or the President. INA § 237(a)(2)(A)(vi); *see also Lehmann v. U.S. ex rel. Carson*, 353 U.S. 685, 689 (1957). Accordingly, certain immigration consequences of a criminal conviction can be nullified when the pardon issues from the state’s executive branch of government. *Matter of R-*, 5 I&N Dec. 612 (BIA 1954); *see also Matter of Nolan*, 19 I&N Dec. 539 (BIA 1988).

(b)(5)

(b)(5) Although the INA section 237(a)(2)(A)(vi) pardon clause may reasonably be interpreted to either include or exclude such a pardon, the Department of Homeland Security has now clarified that it will recognize Connecticut pardons issued by the Connecticut Board of Pardons and Parole as effective for immigration purposes under the pardon waiver clause within the INA. *See DHS Statement on Treatment of a Full and Unconditional Pardon Issued Under the Law and Process Currently in Place in Connecticut as Effective for Purposes of the INA § 237(a)(2)(A)(vi) Pardon Waiver Clause and 8 C.F.R. § 316.10(c)(2) (Mar. 23, 2021).*

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