

**NLWJC - Kagan**

**DPC - Box 033 - Folder 010**

**Immigration - Irish Nationals**

Immig - Irish nationals

▶ **Julie A. Fernandes**  
11/19/98 06:20:02 PM  
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Record Type: Record

To: Elena Kagan/OPD/EOP  
cc: Laura Emmett/WHO/EOP  
Subject: Irish Deportees

I attended a meeting this afternoon in Minyon's office re: the immigration status of Irish nationals who have been convicted and served sentences in Ireland and/or Northern Ireland for terrorism. As you may know, under the INA, a person who has been convicted of an 'aggravated felony' is deportable and is not eligible to become a legal permanent resident in the U.S. The 1996 Immigration Act significantly broadened this category to include, among other offenses, crimes of violence, theft or burglary for which the term of imprisonment is at least 1 year. In addition, the 1996 Act eliminated the provision of the INA that had existed pre-1996 that gave the AG some discretion in this area. Under current law, the AG does not have discretion to allow someone with a conviction as a aggravated felon to avoid deportation or become a legal permanent resident.

There are currently nine Irish nationals (that the NSC knows of) living in the U.S. who are facing deportation. All of them have been convicted of terrorist acts and have served time in Northern Irish prisons. They have since moved to the U.S. and lived as illegal aliens. Last fall, at the recommendation of the Secretary of State, the AG ordered a temporary stay of deportation for six of these Irish nationals. NSC and State advocated this as a step to build confidence in and support for the peace process among Irish-Americans.

The chief concerns about doing anything for this group is that we have been very tough with illegal aliens in general and criminal aliens in particular; any deviation from that for the Irish (and not, say, for the Palestinians, Salvadorans, Liberians, etc.) would likely engender cries of our being soft on criminal aliens or -- more likely -- showing favoritism to White immigrants. However, NSC maintains that doing something to help these nine would be very important to the Irish-American community.

Minyon is going to convene a meeting (perhaps, next week) to determine whether we want to try to do anything that could provide relief for this group. NSC is preparing a short paper discussing the issue and possible options.

julie

*immig-irish nation*

▶ **Julie A. Fernandes**  
11/20/98 11:07:59 AM  
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Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Re: Irish Deportees 

Under the INA the AG does not have discretion to allow those who have been convicted of aggravated felonies to adjust their status (to become an legal permanent residents or citizens). However, the AG has wide discretion to grant stays of deportation. The Irish advocates want us to support legislation that would create an exception for these folks -- thus allowing them to become legal permanent residents or citizens.