

 Official website of the Department of Homeland Security



U.S. Department of
Homeland Security

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)

Release Date: March 23, 2021

Section 237(a)(2)(A)(vi) of the Immigration and Nationality Act (INA) provides that a noncitizen will not be deportable for certain criminal convictions “if [the noncitizen] . . . has been granted a full and unconditional pardon by the President of the United States or by the Governor of any of the several States.” Similarly, 8 C.F.R. § 316.10(c)(2) recognizes that, under certain circumstances, a full and unconditional executive pardon may ameliorate the effect of a criminal conviction for purposes of establishing good moral character for naturalization. The question has arisen whether, under the applicable law and process currently in place in the State of Connecticut, a full and unconditional pardon granted by the Connecticut Board of Pardons and Paroles should be recognized as waiving deportability, based on a Connecticut conviction, under INA § 237(a)(2)(A)(i) - (iv), pursuant to the INA § 237(a)(2)(A)(vi) pardon waiver clause. The question has also arisen whether such a pardon as described above nullifies the immigration consequences of a qualifying Connecticut conviction under 8 C.F.R. § 316.10(c)(2).

The U.S. Department of Homeland Security (DHS) believes that the INA § 237(a)(2)(A)(vi) pardon waiver clause may reasonably be interpreted to either include or exclude such a pardon. DHS has decided that it will treat 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).

However, a noncitizen may still be removable or lack good moral character for reasons unrelated to a pardoned conviction. In addition, like any pardon from any other State, a full and unconditional pardon granted by the Connecticut Board of Pardons and Paroles has no impact on any ground of deportability not listed in INA § 237(a)(2)(A)(vi) or any ground of inadmissibility under INA § 212(a), and it does not preclude consideration of the facts underlying the original conviction in the exercise of discretion.

Topics: [Immigration and Customs Enforcement \(/topics/immigration-enforcement\)](/topics/immigration-enforcement).

Keywords: [Immigration \(/keywords/immigration\)](/keywords/immigration), [Immigration Enforcement \(/keywords/immigration-enforcement\)](/keywords/immigration-enforcement).

Last Published Date: March 23, 2021