

The Council Applauds Supreme Court Decision Rejecting Retroactive Application of Immigration Law Provision

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Washington, D.C.—Yesterday morning, the Supreme Court issued an important decision, [Vartelas v. Holder, No. 10-1211](#) [1], rejecting the retroactive application of a provision of a law passed by Congress in 1996 that has prevented many lawful permanent residents (LPRs) from returning to the United States after a trip abroad. Citing the "deeply rooted presumption" against applying new laws retroactively, the Court ruled 6-3 that LPRs who temporarily leave the country cannot be denied readmission on account of criminal convictions that occurred before the law took effect.

The Justice Department argued that LPRs with certain criminal convictions may be barred from re-entering the United States any time they leave the country—even if the law in effect at the time of their guilty pleas did not make them eligible for deportation or ineligible for reentry to the United States. The Supreme Court properly rejected this argument, noting that the government's interpretation effectively prevented such LPRs from ever leaving the country.

The following is a statement from Benjamin Johnson, Executive Director of the American Immigration Council:

"The Supreme Court's decision properly recognizes that legal immigrants should not be subjected to penalties that did not exist at the time they entered a criminal plea. The government's argument that green card holders who pled guilty to crimes prior to 1997 could avoid the adverse consequences of the law by simply staying home makes no sense. As Justice Ginsburg noted in the majority opinion, loss of the ability to travel abroad could prevent such individuals from fulfilling religious obligations or responding to family emergencies. The Supreme Court's ruling affirms the well-established principle that the government cannot change the rules in the middle of the game."

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