

Justice Lifts Barrier to Deportations of Aliens

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Body

A Supreme Court **Justice** has removed the only **barrier** preventing the Government from **deporting** thousands of illegal **aliens** who were seeking legal status in a dispute over an expired Federal amnesty program.

In a ruling on Friday, **Justice** Sandra Day O'Connor temporarily **lifted** a lower court order preventing the **deportations**, saying the immigration rights groups that had won the lower court order appeared to lack legal standing.

But immediate **deportations** appeared unlikely because **Justice** O'Connor also said the **aliens** could sue on their own behalf if they had standing with the court.

Justice O'Connor noted that the question of which **aliens** had standing had been decided in June when the full Court set aside a ruling that had given 300,000 other illegal **aliens** a new chance to seek legal status under the amnesty program.

Rejected Applicants May Sue

In that case, the Court ruled that any **alien** who had applied to immigration officials for amnesty under the 1986 Immigration Reform and Control Act, but had been turned down, would have automatic standing to sue.

But the Court also ruled that those immigrants who never applied had no standing unless they failed to apply because they knew someone who had applied and been rejected, and they expected to be rejected, too. **Aliens** who met those conditions might have standing, the Court said.

May 4, 1988, Deadline

Given that reasoning, the **Justices** said courts did not have enough information to decide whether the **aliens** were eligible to contest their cases.

The Amnesty Act of 1986 offered legal residency to all illegal **aliens** who had lived in the United States continuously since Jan. 1, 1982. The one-year period for applying for amnesty expired on May 4, 1988.

The case **Justice** O'Connor acted on on Friday was I.N.S. v. Immigrant Assistance Project of the Los Angeles County Federation of Labor, A-426, in which a Federal judge in Seattle in 1989 gave some **aliens** a new chance to seek legal status under the amnesty program.

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20,000 to 50,000 Involved

About 20,000 to 50,000 aliens are involved, their lawyer said, adding that some were denied legal status under the amnesty program, while others did not apply because they expected to be rejected.

Last summer, Judge Barbara Rothstein of Federal District Court in Seattle barred immigration officials from deporting those aliens while their cases were pending. Judge Rothstein ordered the Immigration and Naturalization Service to give the aliens work permits and either act on their cases within 90 days or provide them notice.

The Government is appealing her order to the United States Court of Appeals for the Ninth Circuit, in San Francisco. Justice O'Connor, who hears emergency matters from the Ninth Circuit, lifted Judge Rothstein's order until the appeal is decided.

In seeking to have Judge Rothstein's order lifted, Solicitor General Drew S. Days 3d argued that the order would create "widespread interference with the administration of the immigration laws."

The Justice Department has asked the Supreme Court to set aside the ruling that let the aliens renew their bids for legal status.

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