

Tempering Too-Harsh Justice

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Body

CONGRESS REACHED too far in 1996 when it passed tough new laws to speed the deportation of immigrants who committed crimes. The measures expanded the definition of deportable crimes, removed judicial discretion to waive deportation and made the new standards retroactive.

While the impetus behind the law was a crackdown on illegal immigrants who committed crimes, changes applied to non-citizens who were in the country legally as well.

The predictable result, along with a soaring deportation rate, was a wave of injustice. One horror story piled atop another as legal immigrants found themselves subject to deportation for minor crimes long ago admitted and paid for. Some adopted foreign children who had never known another home were sent away after getting in trouble with the law; some legal immigrants with past convictions who made the mistake of traveling outside the country were hauled off to detention when they returned.

Now Congress has a chance to restore some balance. The House has passed a bill that would provide some relief by ending the retroactive application of parts of the 1996 law. For aliens who committed crimes before 1996 that were later re-defined as "aggravated felonies"--deportable offenses--it affords a chance to avoid deportation. For those already deported under those circumstances, it offers a chance to apply for re-admission.

The legislation is a step forward, but it's only a start. A broader measure has been introduced in the Senate that would eliminate retroactive effects, restore the discretion of immigration judges to grant relief from deportation in worthy cases and end mandatory detention. Proportion and fairness were stripped from this system in 1996; this Congress should restore them.

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