

Former Section 212(c) of the Immigration and Nationality Act

This short history of former INA § 212(c) is derived from *INS v. St. Cyr*, 533 U.S. 289, the landmark case in which the Supreme Court held that relief under former § 212(c) remains available to individuals who were convicted after entering a plea if they they would have been eligible for § 212(c) relief at the time that they pled.

Immigration Act of 1917

Section 212(c) was preceded by § 3 of the Immigration Act of 1917. According to the *St. Cyr* Court,

Subject to certain exceptions, §3 of the Immigration Act of 1917 excluded from admission to the United States several classes of aliens, including, for example, those who had committed crimes "involving moral turpitude." 39 Stat. 875. The seventh exception provided "[t]hat aliens returning after a temporary absence to an unrelinquished United States domicile of seven consecutive years may be admitted in the discretion of the Secretary of Labor, and under such conditions as he may prescribe."

Immigration Act of 1952

The seventh exception to § 3 of the Immigration Act of 1917 was later transformed into § 212(c) of the Immigration Act of 1952. That version of § 212(c) provided:

"Aliens lawfully admitted for permanent residence who temporarily proceeded abroad voluntarily and not under an order of deportation, and who are returning to a lawful unrelinquished domicile of seven consecutive years, may be admitted in the discretion of the Attorney General."

Immigration Act of 1990

The 1952 version of § 212(c) remained intact until 1990. That year Congress amended § 212(c) to bar anyone convicted of an aggravated felony who had served a term of imprisonment of at least five years. *See* 104 Stat. 5052.

Antiterrorism and Effective Death Penalty Act (AEDPA) of 1996

On April 24, 1996, Congress again narrowed the class of people who was eligible for relief under § 212(c). This time Congress barred people convicted of drug offenses, certain weapons offenses or national security violations, and for multiple crimes involving moral turpitude from seeking § 212(c) relief. *See* 110 Stat. 1277.

Illegal Immigration Reform and Immigrant Responsibility Act of 1996

On September 30, 1996, Congress repealed § 212(c) entirely. Section § 212(c) was replaced by Cancellation of Removal.