

Boston Committee to Defend Margaret Randall
P.O. Box 2227, Cambridge, MA 02238
January 1989

MEMORANDUM - ALERT

MARGARET RANDALL'S IMMIGRATION STATUS THREATENED AGAIN

A year ago, the U.S. Immigration and Naturalization Service (INS) announced that it would no longer deny permanent residency to American-born writer and teacher, Margaret Randall, who lost her U.S. citizenship when she became a Mexican citizen in 1967. News articles that appeared throughout the world made it seem as though a victory had been won.

The reason for this positive change was that in November 1987, Congress passed a one-year override of the ideological exclusion provision of the McCarran-Walter Act ("Section 901"). Randall's lawyers promptly filed for her residency permit under this new legislation and INS said it would desist in its efforts to deport her.

It was expected that the revisions of McCarran-Walter would be made permanent this fall. Instead, on October 1, 1988 Congress extended Section 901 for two more years, but limited the override of the ideological exclusion provision of McCarran-Walter to "nonimmigrant aliens" (that is, temporary visitors). This means that persons seeking permanent resident status (a "Green card") can again be excluded on ideological grounds.

A decision in Randall's appeal against INS's deportation order has been pending before the Board of Immigration Appeals (BIA) for the last eight months. Now the INS has informed the BIA that the newest revision of the law should be applied to Randall and that she is no longer protected from denial of permanent resident status and deportation on ideological grounds.

Randall's lawyers take the position that the old Section 901 still governs her case, since the only reason her case was not resolved during the law's existence was the BIA's unexplained failure to act on her application. They of course also still maintain that any ideologically-based deportation would be unconstitutional.

In this they have recently found judicial support. In a case argued by the Center for Constitutional Rights (CCR) and the California chapter of the ACLU on behalf of seven Palestinian men and one Kenyan woman who were arrested and threatened with deportation on ideological grounds, a federal judge in Los Angeles ruled on December 22, 1988 that the ideological exclusion provisions of McCarran-Walter run counter to the First Amendment and are unconstitutional. INS plans to appeal and the case may get to the Supreme Court.