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Press Releases



OFFICE OF THE ATTORNEY GENERAL CONNECTICUT

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Attorney General Tong Announces Settlement with U.S. Department of Justice and U.S. Attorney's Office to Affirm Legitimacy of Connecticut Pardons

(Hartford, CT) – Attorney General William Tong announced today an agreement with the U.S. Department of Justice and the U.S. Attorney's Office for the District of Connecticut affirming that the Department of Homeland Security will recognize full and unconditional pardons granted by the Connecticut Board of Pardons and Paroles as waiving deportability, based on a Connecticut conviction, under the Immigration and Nationality Act's pardon waiver clause. The agreement also provides that the Department of State will recognize such pardons as executive pardons for purposes of visa eligibility in the case of noncitizens applying for a visa. Attorney General Tong sued the U.S. Department of Homeland Security and Department of Justice in 2019 seeking a declaratory judgement that Connecticut's pardons are indeed executive pardons under federal law.

"This agreement affirms, with full force of law, what we have known to be true for well over a century-- Connecticut's pardons are legitimate and lawful. There was no reason for the federal government ever to single out Connecticut and deny our residents the second chance we chose to grant to them. I thank the Department of Justice and the U.S. Attorney's Office for working with us to reach today's positive resolution," **said Attorney General Tong.**

"The members of the Board of Pardons and Paroles are delighted to learn of this favorable resolution and are extremely grateful to Attorney General Tong and his staff for all their hard work. The ruling respectfully acknowledges the power of a pardon issued by the Board on the federal level and will provide continued relief for those affected by this ruling as well as opportunities for more greater and meaningful service to society," **said Carleton J. Giles, Chairperson of the Board of Pardons and Paroles.**

The Pardon Waiver Clause of the INA provides critical protection against removal for pardoned noncitizens. Since the passage of the INA in 1952, the federal government had consistently respected and honored Connecticut pardons and had given Connecticut residents the same rights as all other residents under the Pardon Waiver Clause. That changed in 2018 when immigration authorities broke from past practice and suddenly began refusing to recognize Connecticut's pardons based on an illogical and unsupported reading of Connecticut's pardon process. Federal authorities singled out Connecticut residents for harsher treatment merely because our pardons were issued by the governor-appointed Board of Pardons and Paroles rather than directly by the governor.

Connecticut's pardon system is virtually identical to those in five other states – Alabama, Georgia, Idaho, South Carolina and Utah. The Board of Immigration Appeals accepts pardons from Alabama and Georgia as satisfying the Pardon Waiver Clause, and before this recent reversal has even previously accepted a Connecticut pardon.

Connecticut's lawsuit argued that the federal government violated Connecticut's rights under the Tenth Amendment and the constitutional principle of equal sovereignty, as well as Administrative Procedure Act prohibitions against federal agency actions that are arbitrary, capricious and contrary to law.

Attorney General Tong personally argued and defended the legitimacy of Connecticut's pardon process before the U.S. Court of Appeals for the Second Circuit and First Circuit in 2019. In both cases, the courts sided with Connecticut, resulting in the release of detained Connecticut residents Wayzaro Walton and Richard Thompson.

Assistant Attorneys General Inez Diaz-Galloza and Lauren Bidra, Solicitor General Joshua Perry, and former Solicitor General Clare Kindall assisted the attorney general in this matter.

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Media Contact:

Elizabeth Benton

elizabeth.benton@ct.gov (<mailto:elizabeth.benton@ct.gov>)

Consumer Inquiries:

860-808-5318

attorney.general@ct.gov (<mailto:attorney.general@ct.gov>)