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for the petitioner.

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United States Department of Justice, Washington, D.C., for
the respondent.

OPINION

W. FLETCHER, Circuit Judge:

Alma Delia Jimenez-Angeles entered the United States illegally from Mexico on March 6, 1990. Sometime in March 1997, prior to the April 1, 1997 effective date of the Illegal

removal. Castillo-Perez, 212 F.3d at 523. Under pre-IIRIRA law, a deportation proceeding was commenced when the INS filed (not merely served) an Order to Show Cause ("OSC"). Under IIRIRA, a removal proceeding is commenced when the INS files a Notice to Appear ("NTA").

Prior to IIRIRA, an alien in deportation proceedings continued to accrue time towards satisfying the seven-year residency requirement for suspension of deportation during the pendency of the proceedings. However, IIRIRA includes a "stop-clock" provision. Under this provision, once an alien is

IIRIRA. Because it commenced after IIRIRA's effective date, it was a removal rather than a deportation proceeding. Thus, according to the IJ, Jimenez-Angeles was ineligible for the pre-IIRIRA remedy of suspension of deportation. Next, apply the stop-clock rule to the IJ, Jimenez-Angeles.

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arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien under this chapter." 8 U.S.C.

§ 1252(g) (emphasis added). Section 1252(g) is not subject to IIRIRA's transitional rules; it applies "without limitation to claims arising from all past, pending, or future exclusion,

dures. See Walters v. Reno

commenced against St. Cyr, however. Rather, on April 10, 1997, ten days after IIRIRA's effective date, removal proceedings were commenced against him. The Supreme Court held that IIRIRA's elimination of suspension of deportation could not be retroactively applied to aliens like St. Cyr "whose convictions were obtained through plea agreements and who, notwithstanding those convictions, would have been eligible for [suspension of deportation] at the time of their plea under the law then in effect." Id. at 326.

In determining that application of IIRIRA to St. Cyr was impermissibly retroactive, the Court invoked the two-part analysis of Landgraf v. USI Film Products, 511 U.S. 244 (1994). Applying the Landgraf test as explained in St. Cyr U.S. 273

its "proper reach" with the requisite level of clarity. The Court rejected the INS's argument that the "comprehensive nature" of IIRIRA's revision of immigration law shows that Congress intended

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[the Court] should be informed and guided by familiar considerations of fair notice, reasonable reliance, and settled expectations." Id. at 321 (internal quotations omitted). Specifically, the Court considered the plea bargain into which St. Cyr had entered, and asked whether the application of IIRIRA "attaches a new disability, in respect to transactions or considerations already past." " Id. (quoting Landgraf, 511 U.S. at 269).

encourage such aliens to remain in the United States." Id. See also Angel-Ramos v. Reno, 227 F.3d 942, 948-49 (7th Cir. 2000); Afolayan v. INS, 219 F.3d 784, 789 (8th Cir. 2000); 7th Cir.2 -13.8 TD -114025 Tc 114025 Tw ppiahan