

## OTHER VIEWS

# How a former Beatle helped shape immigration policy

By MICHAEL WILDES

**F**ORMER BEATLE John Lennon left us a beautiful legacy of extraordinary music. He also left us an immigration legacy that, while less well known, could have an equally profound effect upon life in the United States as it relates to immigrants.

The recent steps announced by President Obama to expand the Deferred Action for Childhood Arrivals program and now to offer deferred action to certain parents of U.S. and permanent residents have their roots in the John Lennon case. We can visualize a smiling Lennon because it was the successful litigation and outcome in his case that enabled the government to accomplish this feat.

How did he accomplish this?

John Lennon and Yoko Ono were placed in deportation proceedings precipitously in 1972 when their request for an extension of their visitors' stay was summarily denied. The reason for instituting deportation was not because they had broken any American law, but simply because then-President Richard Nixon felt that their presence in the United States could adversely affect his chances for reelection.

Throughout the deportation proceedings, which lasted almost five years, from 1972 to 1976, immigration officials publicly said they were treating the Lennons no differently than any other undocumented person and that the Immigration and Naturalization Service had no option other than to deport every illegal alien. Thousands of letters sent to the INS also received written responses to that effect.

Nothing was further from the truth. My father and I, who are both immigra-

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tion lawyers, had learned of a number of completely deportable aliens who remained in the United States, and we set out to prove that the government had full discretion and authority to withhold deportation in appropriate cases.

The immigration judge refused to allow the INS staff familiar with such cases to be questioned, so a lawsuit was filed under the Freedom of Information Act to secure the data. In response to the lawsuit, we were furnished with 1,843 case files describing persons who, though fully deportable, had been permitted to remain indefinitely for one reason or another.

Lennon asked that we study the cases and publicize the findings, so that others who could not afford costly litigation might also benefit. We did so in heavily footnoted law review articles in which we analyzed the cases that had been granted "non-priority" status and the individuals who were allowed to remain. The INS gradually began to focus its energy on its most serious cases and, through its prosecutorial discretion, deferred action in meritorious cases similar to

those cited in his articles.

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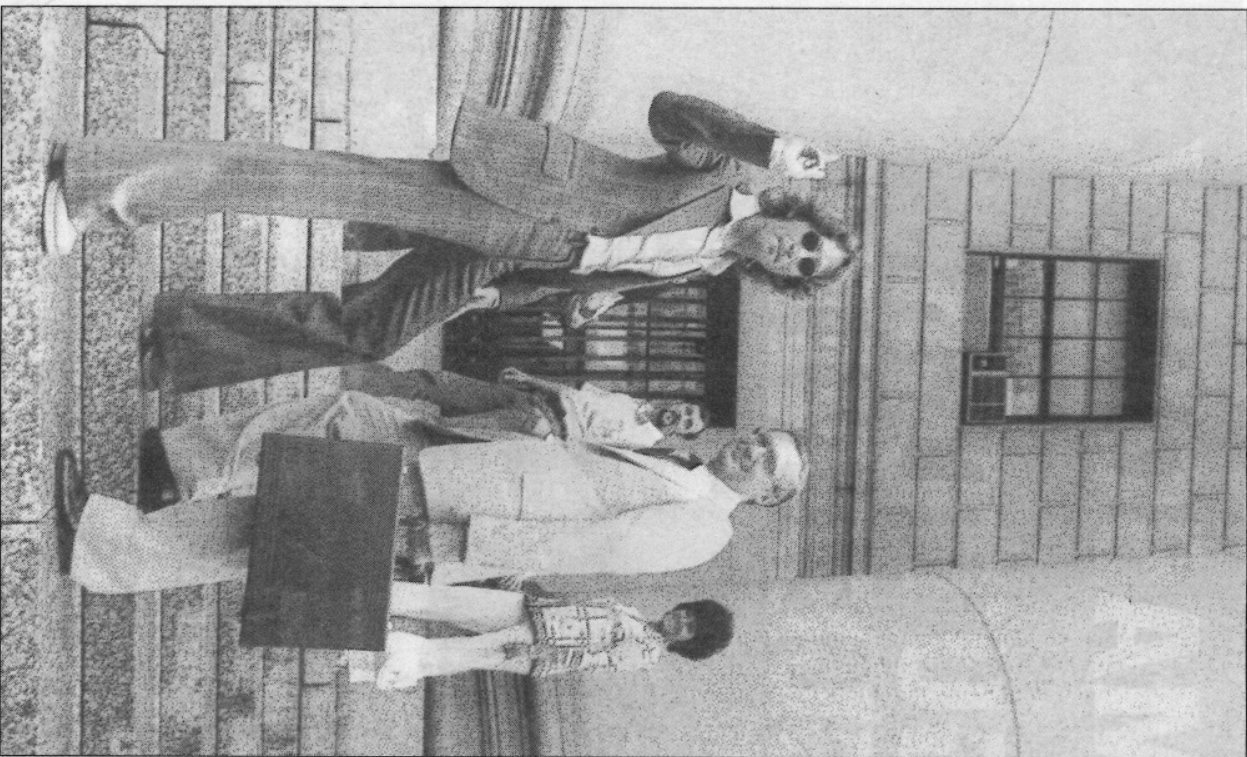
The U.S. attorney for the Southern District of New York suggested to the federal judge in Lennon's case that the INS would conduct a review of the case utilizing personnel who had not previously been assigned to it.

My dad, Leon, presented Lennon's application to a new official appointed to conduct consideration of Lennon's case, which resulted in its approval, and Lennon was actually granted "non-priority" status (now referred to as "deferred action"). Shortly thereafter, the U.S. Court of Appeals overturned Lennon's deportation order, and he was granted lawful permanent residence status on July 27, 1976.

As a result, the Department of Homeland Security, which replaced the INS, makes use of its prosecutorial discretion today to consider deferred-action cases. It recognizes that like all law enforcement agencies, it has finite resources and it is not possible to investigate and prosecute every immigration violation.

In its efforts to use its limited resources wisely, it is able to benefit deserving individuals. Lennon's contribution to the development of this program of prosecutorial discretion should be recognized as a legacy of immense value that he bequeathed to his adopted homeland.

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John Lennon and the author's father, Leon Wildes.