



ASSISTANT ATTORNEY GENERAL
OFFICE OF LEGAL COUNSEL

United States Department of Justice
Washington, D.C. 20530

9 FEB 1981

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cc: Files
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Simms (2)
Alexis
Retrieval

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Travel Restrictions on Iranian Permanent Resident Aliens

By the attached memorandum, we propose to advise the Acting Commissioner of the I&NS that the legal basis for an I&NS regulation, 8 C.F.R. § 211.1(b), which generally restricts the re-entry into this country of Iranian citizens who are permanent resident aliens must be revoked. As indicated in the attached opinion, President Carter's revocation of the Executive Order which provided the legal basis for § 211.1(b) requires that § 211.1(b) itself be revoked.

The Department of State has also concluded that their counterpart regulation on this subject must be revoked. However, because the national emergency declared at the outset of the hostage crisis remains in effect, a fresh determination by you or the Secretary of State to reimpose this restriction with respect to Iranian nationals would be lawful. A similar restriction could also be imposed under the Attorney General's authority to issue re-entry permits to permanent resident aliens. Whether this restriction should be reimposed is a question currently under consideration by the Interagency Working Group on Iran (to which I am your representative) chaired by the Secretary of State. Acting Commissioner Crosland is regularly attending meetings of the Working Group and has established channels of communication with the officials at State who are staffing this issue.

At the Deputy Assistant Secretary of State level, the inclination at this point is against reimposition of this restriction. I recommend that the issue continue to be explored within the Working Group and that Mr. Crosland present to you directly his policy views on whether reimposition is desirable.

Larry L. Simms
Acting Assistant Attorney General
Office of Legal Counsel

Attachment