

LEVEL 1 - 1 OF 1 DECISION

Matter of Laipenieks

In Deportation Proceedings

No. A-11937435

INTERIM DECISION: 2949

DEPARTMENT OF JUSTICE,
BOARD OF IMMIGRATION APPEALS

1983 BIA LEXIS 16; 18 I. & N. Dec. 433

September 8, 1983, Decided by Board

HEADNOTES:

(1) The respondent is charged with deportability under section 241(a)(19) of the Immigration and Nationality Act, 8 U.S.C. 1251(a)(19) (the 1978 " Holtzman Amendment"), due to his employment and activities with the Latvian Political Police (LPP) from 1941-43 in Riga, Latvia; he is subject to deportation under 1983 BIA LEXIS 16, *; 18 I. & N. Dec. 433, **

that provision if there is clear, convincing, and unequivocal evidence that (a) "under the direction of, or in association with -- the Nazi government of Germany, [or] any government in any area occupied by the military forces of the Nazi government of Germany," the respondent; (b) "assisted or otherwise participated in"; (c) "the persecution of any person"; (d) "because of . . . political opinion."

(2) The Holtzman Amendment was intended to close an "undesirable loophole" in the Immigration and Nationality Act which, unlike special post-war immigration laws such as the Displaced Persons Act of 1948 and the Refugee Relief Act of 1953, previously had not mandated the exclusion or deportation of aliens who were involved in Nazi persecution.

(3) Congress expressly declined to incorporate a specific statutory definition of "persecution" in the Holtzman Amendment, but intended [*2] that term to be construed in accordance with the administrative and judicial case law developed in interpreting other persecution provisions contained in the Immigration and Nationality Act.

(4) Section 241(a)(19) of the Act encompasses persecution because of any and all