

## Department of Justice

## § 1.3

the unit or units involved, shall be referred to the Assistant Attorney General for Administration for determination. If the disagreement cannot be resolved, the matter shall be referred to the Deputy Attorney General for final disposition.

[Order No. 900-80, 45 FR 43703, June 30, 1980]

### **§ 0.197 Agreements, in connection with criminal proceedings or investigations, promising non-deportation or other immigration benefits.**

The Immigration and Naturalization Service (Service) shall not be bound, in the exercise of its authority under the immigration laws, through plea agreements, cooperation agreements, or other agreements with or for the benefit of alien defendants, witnesses, or informants, or other aliens cooperating with the United States Government, except by the authorization of the Commissioner of the Service or the Commissioner's delegate. Both the agreement itself and the necessary authorization must be in writing to be effective, and the authorization shall be attached to the agreement.

[Order No. 2055-96, 61 FR 48406, Sept. 13, 1996]

## **PART 1—EXECUTIVE CLEMENCY**

Sec.

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- 1.9 Delegation of authority.
- 1.10 Procedures applicable to prisoners under a sentence of death imposed by a United States District Court.
- 1.11 Advisory nature of regulations.

AUTHORITY: U.S. Const., Art. II, sec. 2; authority of the President as Chief Executive; and 28 U.S.C. 509, 510.

SOURCE: Order No. 1798-93, 58 FR 53658, Oct. 18, 1993, unless otherwise noted.

### **§ 1.1 Submission of petition; form to be used; contents of petition.**

A person seeking executive clemency by pardon, reprieve, commutation of sentence, or remission of fine shall execute a formal petition. The petition shall be addressed to the President of the United States and shall be submitted to the Pardon Attorney, Department of Justice, Washington, DC 20530, except for petitions relating to military offenses. Petitions and other required forms may be obtained from the Pardon Attorney. Petition forms for commutation of sentence also may be obtained from the wardens of federal penal institutions. A petitioner applying for executive clemency with respect to military offenses should submit his or her petition directly to the Secretary of the military department that had original jurisdiction over the court-martial trial and conviction of the petitioner. In such a case, a form furnished by the Pardon Attorney may be used but should be modified to meet the needs of the particular case. Each petition for executive clemency should include the information required in the form prescribed by the Attorney General.

### **§ 1.2 Eligibility for filing petition for pardon.**

No petition for pardon should be filed until the expiration of a waiting period of at least five years after the date of the release of the petitioner from confinement or, in case no prison sentence was imposed, until the expiration of a period of at least five years after the date of the conviction of the petitioner. Generally, no petition should be submitted by a person who is on probation, parole, or supervised release.

### **§ 1.3 Eligibility for filing petition for commutation of sentence.**

No petition for commutation of sentence, including remission of fine, should be filed if other forms of judicial or administrative relief are available, except upon a showing of exceptional circumstances.