

Congress of the United States
Washington, DC 20515

March 28, 2023

The Honorable Dave Joyce
Chairman
House Subcommittee on Homeland Security Appropriations
2065 Rayburn House Office Building
Washington, DC 20515

The Honorable Henry Cuellar
Ranking Member
House Subcommittee on Homeland Security Appropriations
2372 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Joyce and Ranking Member Cuellar:

As the House Subcommittee on Homeland Security Appropriations considers the Department of Homeland Security's FY2024 appropriations bill, we urge you to include a provision establishing an independent, centralized unit within the Department of Homeland Security (DHS) charged with reviewing applications from unjustly deported individuals to return to the United States. This provision would expand upon language included in the Joint Explanatory Statement (JES) to the FY2023 DHS appropriations bill, which instructs DHS and its component agencies to facilitate the return of unlawfully deported individuals. Without a dedicated unit for reviewing and reversing unjust deportations, persons whom prior administrations deported in violation of the law cannot remedy their removals.

U.S. immigration law has limited procedures for allowing individuals to seek to return to the U.S. following removal from this country. In practice, these mechanisms are ineffective and insufficient: they are unduly burdensome and inaccessible to most individuals without legal counsel. As a result, many people who were deported on the basis of an unlawfully entered order or who have a new claim to lawful status are unable to present their case to return home and reunite with their families and communities.

A central unit within DHS could utilize the authorities already provided under current law to facilitate the return of those whose removal orders were contrary to law or justice. These existing authorities include humanitarian parole, joinder in a respondent's motion to reopen, and stipulation to relief from removal. Centralizing and streamlining the review of return requests would ensure fairness and consistency in adjudication, reduce the burden on individual government attorneys and immigration courts, and orient DHS toward remedying unjust decisions. DHS is already engaged in a centralized removal review process through its ImmVets initiative, which facilitates the return of deported U.S. veterans. Similarly, the unit this provision

creates would give unjustly deported individuals a chance to come home and reunite with their loved ones.

We respectfully encourage you to include the following language in the FY2024 bill, which builds on language included in the JES of the FY2023 DHS appropriations bill that:

- Instructs the Department of Homeland Security to create a centralized office or unit whose primary function shall be the facilitation of an independent, centralized, and fair process for reviewing applications from individuals seeking to return home to the U.S. following deportation and/or reverse a prior removal order that was contrary to law or justice;
- Ensures the office or unit utilizes all available mechanisms provided by law to facilitate returns and ensures to the greatest extent possible that individuals are restored to the legal status they held prior to their removal;
- Defines “unjustly removed” cases as those where:
 - a deportation occurred without a final order of removal or in violation of a stay of deportation by a court;
 - where there is a change in law or change in facts that means the deported person is no longer removable or has a new claim to immigration relief;
 - Where the deported person won an administrative or judicial appeal;
 - Where a removal order has been overturned or reopened by administrative or judicial order;
 - Where the return of the deported person would correct an error or assist in any ongoing criminal or other investigation; and/or
 - Where the deportation was manifestly unjust based on humanitarian considerations.

Thank you for your attention to this important matter.

Sincerely,



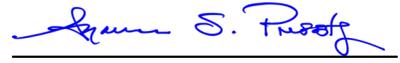
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Member of Congress



J. Luis Correa
Member of Congress



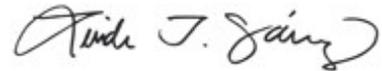
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