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(Original Signature of Member)

118TH CONGRESS  
2D SESSION

# H. RES.

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Expressing the sense of Congress that unjustly deported people who have established significant ties through years of life in the United States deserve a chance to come home to reunite with loved ones through a fair and central process within the Department of Homeland Security.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. CLEAVER submitted the following resolution; which was referred to the Committee on \_\_\_\_\_

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# RESOLUTION

Expressing the sense of Congress that unjustly deported people who have established significant ties through years of life in the United States deserve a chance to come home to reunite with loved ones through a fair and central process within the Department of Homeland Security.

Whereas the United States removed around 2,500,000 people in the past 10 years, not every removal was fair, just, or accurate under current law;

Whereas many of those unjustly and unlawfully deported have resided in the United States for years or even decades raising their families, building their own businesses,

and contributing to their communities and the United States economy;

Whereas the Supreme Court recognizes deportation to be a “particularly harsh penalty” and “the severity of deportation” as “the equivalent of banishment or exile” (Padilla v. Kentucky, 559 U.S. 356 at 365, 373 (2010));

Whereas nearly all people who were deported on the basis of an unlawfully entry or unjust removal order, or who have a new claim to lawful status since their deportation, are unable to meaningfully present their case to return home and reunite with their loved ones in the United States;

Whereas Congress offers limited, but critical procedures within immigration law for allowing unjustly and wrongfully deported people to seek return to the United States following deportation, but in practice, these mechanisms are difficult to access, onerous to navigate, and rarely result in permission to return;

Whereas people unjustly deported from the United States include, but are not limited to—

(1) people who have been separated from their children, families, and loved ones after residing in the United States for years or decades;

(2) recipients of the Deferred Action for Childhood Arrivals program (DACA) who lost their status as a result of protracted litigation related to the program;

(3) people targeted for deportation as retaliation for exercising their First Amendment right to protest conditions in the immigration system;

(4) people who succeeded in winning their immigration cases subsequent to deportation, but are still unable to return;

(5) people deported for old criminal convictions who have subsequently demonstrated a commitment to renewal and to their community;

(6) people whose criminal convictions that were the basis of deportation have been expunged or pardoned; and

(7) veterans who served the United States but were subsequently deported;

Whereas deportation, by permanently separating people from their children and spouses, leads to destabilizing and enduring poverty, food and housing insecurity, and irreparable psychological harm to children left behind;

Whereas many deported people are sent back to dangerous conditions that put their life and well-being at significant risk, or to places where they have no ties at all;

Whereas the harms of deportation disproportionately affect Black and Brown immigrant families, who are overrepresented within the deportation system;

Whereas the Immigration Nationality Act, relevant regulations, and agency policy, as currently written, does include certain legal mechanisms and avenues designed to allow a person to make a case for return subsequent to deportation, including through procedures to reopen a closed immigration court case, to effectuate return upon prevailing on an appeal, or to seek discretionary authority to return;

Whereas these mechanisms that Congress and the agency intended for remedying unjust and wrongful deportations are largely ineffective and insufficient due to a decentralized review process, associated lengthy wait times, complicated and opaque application procedures, little to no

access to counsel and a lack of resources for line-level decision-makers with the Department of Homeland Security (“DHS”) to meaningfully consider such requests;

Whereas a centralized, dedicated unit within DHS that offers a fair and independent process for reviewing applications from individuals seeking to return to the United States following an unjust deportation would ensure greater fairness and consistency in adjudication, alleviate the burden on individual government attorneys and immigration courts, and reorient DHS toward remedying past unjust decisions to deport;

Whereas such a centralized, dedicated DHS unit focused on considering requests to return from unjustly deported people could utilize the legal and discretionary authority already provided under current law to facilitate the return of those whose removal orders were contrary to law or justice;

Whereas the Department of Homeland Security has already established a successful central removal review unit, known as “ImmVets”, for the repatriation of unjustly deported United States veterans including approximately 100 that have returned to the United States post deportation, demonstrating the feasibility and effectiveness of such an approach;

Whereas establishing a centralized unit to review requests to return to the United States from other people who have been wrongfully or unjustly deported is wholly within DHS’s broad legal authority and would bring fairness and credibility to the United States immigration system; and

Whereas bringing home unjustly deported fathers, mothers, community leaders, and workers is essential for moving toward an immigration system that prioritizes family unity, community well-being, and basic due process: Now, therefore, be it

1       *Resolved*, That unjustly deported people deserve a  
2 meaningful chance to come home to reunite with their  
3 loved ones through a centralized unit within the Depart-  
4 ment of Homeland Security dedicated to reviewing re-  
5 quests for return.