

118TH CONGRESS  
2D SESSION

# H. CON. RES. 119

Expressing the sense of Congress that wrongfully or 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

JULY 10, 2024

Mr. CLEAVER (for himself, Mr. ESPAILLAT, Mr. TRONE, Mr. GRIJALVA, Ms. BARRAGÁN, Mr. VARGAS, Ms. WILSON of Florida, Ms. WILLIAMS of Georgia, Mrs. RAMIREZ, Mrs. WATSON COLEMAN, Ms. VELÁZQUEZ, Ms. JACKSON LEE, Ms. NORTON, and Mr. MCGOVERN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

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## CONCURRENT RESOLUTION

Expressing the sense of Congress that wrongfully or 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 has deported over 2,000,000 people in the last 10 years, and not every deportation was fair, just, or accurate under Federal law;

Whereas many of those wrongfully or unjustly 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 unjust removal order, or who have a new claim to lawful status since their deportation, have no avenue 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 United States immigration law for allowing wrongfully or unjustly 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 wrongfully or unjustly deported from the United States include—

(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 (DACA) program 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 past nonviolent 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;

Whereas deportation, by permanently separating people from their children, spouses, and communities, 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 personal 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 written, do 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 wrongful or unjust 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 to meaningfully consider such requests;

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

Whereas such a centralized, dedicated Department of Homeland Security unit focused on considering requests to return from wrongfully or unjustly deported people could utilize the legal and discretionary authority already provided under Federal 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 wrongfully or unjustly deported United States veterans, including approximately 100 that have returned to the United States postdeportation, 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 the Department of Homeland Security’s broad legal authority and would bring fairness and credibility to the United States immigration system; and

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

1        *Resolved by the House of Representatives (the Senate*  
2 *concurring)*, That it is the sense of Congress that wrong-  
3 fully or unjustly deported people deserve a meaningful  
4 chance to come home to reunite with their loved ones  
5 through a centralized unit within the United States De-  
6 partment of Homeland Security dedicated to reviewing re-  
7 quests for return to the United States.

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