

Congress of the United States

Washington, DC 20515

July 7, 2021

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
301 7th Street, SW
Washington, DC 20528

Dear President Biden and Secretary Mayorkas:

We write to urge you to ensure that everyone unjustly deported has a meaningful opportunity to return home. Particularly in light of the immigration system's harm to Black and brown immigrant communities, it is essential that you use the discretion at your disposal to establish an open, transparent, and reliable process for reevaluating and reversing wrongful removals.

We are grateful for President Biden's commitment to redressing racial injustice, particularly after the last four years of the Trump Administration's racist and xenophobic immigration agenda. One critical step toward honoring that commitment is ensuring that people who were unjustly deported can be fairly and efficiently considered for return to their families and communities in the United States.

For decades, the U.S. immigration system has deported hundreds of thousands of individuals, permanently separating them from their loved ones and communities. In some cases, people were deported despite having strong legal grounds for being permitted to remain. In other cases, the U.S. Department of Homeland Security (DHS) abused its considerable discretion to decide whether, and when, to order deportations. All unjust deportations separate families, destabilize communities, and undermine public safety and public health.¹

The painful and enduring harms of unjust deportations have been imposed almost entirely on Black and brown immigrants, their families, and their communities. Especially when they depend on the systemically discriminatory outcomes of the U.S. criminal legal system, DHS

¹ Bill Hing & Lizzie Bird, Curtailing the Deportation of Undocumented Parents in the Best Interest of the Child, 35 Geo. Immigr. L. J. __, U. S.F. L. Res. Paper No. 2020-08, 1 (2020), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3680173; Julia Preston, The Trust Costs of Deportation, Marshall Project (June 18, 2020), <https://www.themarshallproject.org/2020/06/22/the-true-costs-of-deportation>; Tom Wong, The Effects of Sanctuary Policies on Crime and the Economy, Ctr. Am. Progress (Jan. 26, 2017), <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>.

decisions about who to target for deportation disproportionately harm Black and brown immigrants. The immigration system's historic reliance on criminal arrests and convictions to inform decisions about whom to detain and deport imports the racial disparities and biases of the criminal legal system directly into the immigration system.² Although only seven percent of undocumented immigrants are Black, Black undocumented immigrants make up 20 percent of those facing deportation.³

Consider the story of one unjustly deported Black immigrant, Paul Pierrilus. Paul entered the United States with his parents when he was just five years old. He lived in the United States for 35 years, and worked as a financial consultant. Yet he found himself unjustly deported to Haiti, a country he was not born in and had never been to before — on the basis of a decades-old conviction for a non-violent offense. The Trump administration targeted Paul based on his Haitian ethnicity, in a premeditated plan to single out Black immigrants for deportation.⁴ Paul's family members — including his elderly parents, who are U.S. citizens, and his sister, who has been working with patients with COVID-19 since the pandemic began — suffer a profound loss from having Paul ripped from their lives. Before he was unjustly taken from his community, Paul even supported his sister by caring for her infant child, who is also a U.S. citizen. Today, Paul is in hiding in Haiti, a nation whose humanitarian crisis is so dire that recently Secretary Mayorkas redesignated it for TPS — awaiting relief you have the power to provide.

Or consider the stories of U.S. veteran Howard Bailey and long-time U.S. resident Kenault Lawrence. They, too, were unjustly deported — both to Jamaica, based on years-old marijuana convictions. Howard served nearly four years in the U.S. Navy, including two tours in Operation Desert Storm, and received the National Defense Service Medal. Nevertheless, he was deported based on an old, first-time marijuana offense that the governor of Virginia subsequently pardoned.⁵ Kenault's deportation robbed him of the chance to meet his newborn child, merely three months prior to a U.S. Supreme Court ruling finding his ground of deportation to be unlawful.⁶ Despite these clear injustices and the compelling reasons to return both men to the United States, neither Howard nor Kenault have a meaningful chance to return home. They remain in exile in Jamaica.

Paul, Howard, and Kenault are only three of the many people who have been unjustly deported. Untold numbers of others have been similarly wronged, from U.S. veterans who served their

² Jeremy Raff, The 'Double Punishment' for Black Undocumented Immigrants, Atlantic (Dec. 30, 2017), <https://www.theatlantic.com/politics/archive/2017/12/the-double-punishment-for-black-immigrants/549425/>.

³ *Id.*

⁴ Jacqueline Charles, *He wasn't born in Haiti. But that didn't stop ICE from deporting him there, lawyer says.*, Miami Herald (Feb. 2, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article248959659.html>

⁵ Suzanne Monyak, CQ Roll Call, April 30, 2021, "Advocates push for office to reconsider 'unjust' deportations," <https://www.rollcall.com/2021/04/30/advocates-push-for-office-to-reconsider-unjust-deportations/>.

⁶ National Immigrant Justice Center, *A Chance to Come Home* (April 28, 2021), <https://immigrantjustice.org/research-items/white-paper-chance-come-home#case>.

country to longstanding neighbors who found themselves deported because of contact with the U.S. criminal legal system — a system acknowledged to unfairly and disproportionately target and discriminate against Black and brown people.

You have the power to welcome Paul, Howard, and Kenault back home. But right now, the procedures and processes for enabling deported individuals to request to return do not work.⁷

We urge you to utilize your broad legal authority to return everyone unjustly deported, including Paul, Howard, and Kenault. We further ask that you establish a centralized process for exercising your discretion to evaluate and authorize returns going forward.

For decades, the U.S. government has exercised its power by enforcing U.S. civil immigration laws aggressively — initiating removals, detaining immigrants, and conducting deportation proceedings that lack even minimal due process. Now is the time to turn the resources and power of the U.S. government toward repairing these harms in the name of racial justice for Black and brown immigrants.

Just as criminal prosecution offices around the country have developed Conviction Integrity Units to review unjust prosecutorial decisions within their own offices, so too must the U.S. government create an internal accountability mechanism to review and reverse unjust deportations.

For children growing up without their parents, single mothers and fathers struggling to cope with the loss of their life partners, and communities robbed of beloved members, each day that passes without justice is a day too many. Building trust between the U.S. government and Black and brown communities devastated by decades of unjust deportations must begin with providing a meaningful opportunity for families and communities to be made whole again. We cannot wait to welcome everyone unjustly deported from our communities back home.

Sincerely,



Mondaire Jones
Member of Congress



Hakeem Jeffries
Member of Congress




Gregory W. Meeks
Member of Congress

⁷ *Id.*



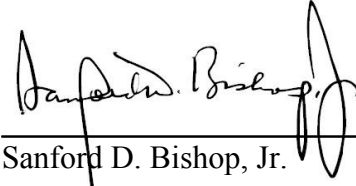
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Ayanna Pressley
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Eleanor Holmes Norton
Member of Congress



Sanford D. Bishop, Jr.
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/s/

Sheila Jackson Lee
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Danny K. Davis
Member of Congress



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Member of Congress



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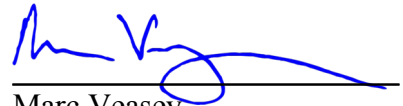
Gwen S. Moore
Member of Congress



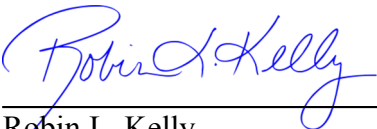
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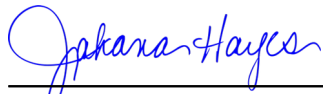
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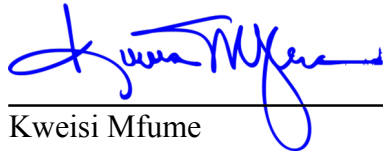
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