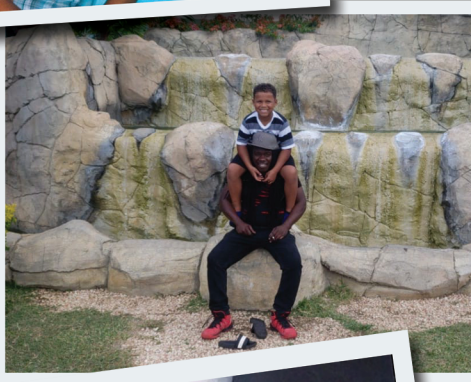




Executive Summary

# A Chance to Come Home

A Roadmap to Bring Home  
the Unjustly Deported



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**NATIONAL  
IMMIGRANT  
JUSTICE CENTER**

A HEARTLAND ALLIANCE PROGRAM



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## A Roadmap to Bring Home the Unjustly Deported

For decades, the U.S. immigration system has deported hundreds of thousands of individuals, permanently separating them from their families and destabilizing communities. In some cases, people were deported despite having strong legal grounds for remaining in the United States. In other cases, the U.S. government has repeatedly abused its considerable discretion to decide whether, and when, to order deportation. These deportations have disproportionately harmed Black and Brown immigrant communities. The government must begin the work of redressing these injustices.

The National Immigrant Justice Center (NIJC) issues this white paper in support of the growing call among communities in the United States and abroad for the Biden administration to establish a meaningful opportunity to return home for those who have been unjustly deported. NIJC provides concrete proposals for a centralized mechanism to consider post-deportation requests in an efficient yet individualized manner. Most importantly, the white paper underscores the urgency of these proposals for those long separated from their loved ones, longing to come home.

The Biden administration has promised to honor family unity and reckon with the racism and xenophobia of past immigration policies. One critical step toward keeping those promises is ensuring that people who were unjustly deported have a meaningful chance to return to their homes and families in the United States. For decades, the U.S. government has exercised its power to enforce U.S. civil immigration laws aggressively — initiating removal, detaining immigrants, and conducting deportation proceedings that lack even minimal procedural safeguards against the entry of erroneous or unlawful deportation orders. Just as criminal prosecution offices around the country have recently 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 unjust deportations.

This white paper includes the stories of 10 individuals who have been forced to leave behind their families, homes, and communities because of unjust U.S. immigration law and policy. Their stories offer snapshots of how deportation separates families, undermines community cohesion, interferes with childhood development, and delegitimizes the U.S. immigration system.

These stories include:

- **Kenault Lawrence**, whose deportation robbed him of the chance to meet his newborn son. ICE deported Kenault just three months before the U.S. Supreme Court invalidated the legal ground for his deportation.

- **Juan Carlos Escobar Romero**, who never received notice of key legal arguments that could have shielded him from deportation to El Salvador, where he fears for his life as an openly gay man.
- **Jean Montrevil**, who was a beloved community leader and immigrant rights advocate in New York. At the time of his sudden deportation, Jean’s criminal convictions were 30 years old. A lawsuit is pending challenging his deportation as retaliation for his advocacy.
- **Howard Bailey**, who served nearly four years in the U.S. Navy including two tours in Operation Desert Storm and received the National Defense Service Medal. He was nonetheless deported based on a first-time marijuana offense. Although Bailey was subsequently pardoned for this offense, he remains in Jamaica, which he had not visited for 24 years, while his wife and children remain in the United States.

NIJC urges the Biden administration to create a centralized Office of Review of Order of Removal (OROR) within the Department of Homeland Security to efficiently and compassionately review applications from those who hope to return to their families and communities in the United States.

OROR would operate as an independent entity under the supervision of the DHS secretary, not the director of ICE. Rather than asking immigration courts or DHS attorneys to reopen removal orders, deported individuals seeking return would submit applications directly to OROR. The office would consider each application using a set of factors that reflect the overwhelming challenges faced by the deported individuals and their families. The office would review final orders of removal and stipulate to relief, including statutory forms of relief such as cancellation of removal and asylum, as well as alternative options for relief such as termination, administrative closure, and grants of deferred action.

Although current law includes mechanisms for deported individuals to return home, in practice these processes and procedures rarely succeed. A centralized and meaningful process for considering applications to return home will streamline requests from removed individuals, ensure fairness and consistency in adjudications, reduce the burden on individual ICE attorneys and the immigration courts, and orient DHS toward bringing home a larger number of unjustly deported individuals.

NIJC also recommends four categories of unjustly deported individuals who should be expedited for review and return by the new centralized office:

1. Individuals with lawful status who were deported based on involvement in the criminal legal system
2. Deported individuals eligible for Deferred Action for Childhood Arrivals (DACA)

*Kenault and his son during a visit in Jamaica (top), Jean and his family during their single visit to Haiti, in 2019 (middle), Howard Bailey (bottom)*



3. Individuals who were eligible for lawful status with pending USCIS applications prior to deportation
4. Individuals who merit a positive exercise of discretion due to compelling circumstances in their cases, including deported U.S. veterans

These categories do not represent all groups who deserve to return to their homes or who should be reviewed by a centralized office, but they offer a way to prioritize the scope of review of applications and mitigate the worst harms quickly.

U.S. families and communities whose loved ones have been taken by deportation urgently need an effective and meaningful opportunity to bring them home. For children growing up without their parents, single mothers and fathers struggling to cope with the loss of a life partner, and communities robbed of a beloved faith leader or activist, each day that passes is a day too many. Community-based organizations, grassroots campaigns, and advocates across the country have called for deported individuals to be reunited with their loved ones. Building trust between the U.S. government and communities devastated by decades of unjust deportations must begin with a meaningful chance for families and communities to be made whole again.

*Read the full white paper at [immigrantjustice.org/ChanceToComeHome](https://immigrantjustice.org/ChanceToComeHome).*