

August 2, 2023

U.S. Senate
U.S. House of Representatives
Washington, DC 20515

Re: Reform Legal Immigration Bars

Dear Member of Congress,

We write today to urge you to **advance legislation to reform legal immigration bars**, including the three- ten- and permanent unlawful presence re-entry bars, **expand discretion when determining inadmissibility**, and to **restore access to existing legal immigration avenues** for millions of undocumented immigrants and their families in the United States.

We represent 58 organizations serving and advocating on behalf of immigrant communities at the local, state, and national levels, including direct service providers, grassroots volunteer organizations, civil rights advocates, and more.

Millions of undocumented immigrants living in the U.S. qualify for existing legal immigration pathways to secure a permanent status, including being sponsored by a spouse or child who is a U.S. citizen. To receive their green card, they are typically required to leave the U.S. for an interview and re-enter with a legal status. At this point, many undocumented immigrants are surprised to be declared “inadmissible” to the U.S. which can happen for roughly 70 different reasons. These include past unlawful presence, multiple entries without inspection, missed court dates, making errors on paperwork, misrepresentation, and false claims to citizenship.

These inadmissibility determinations prevent immigrants who otherwise have a legal pathway to correct their status from departing and re-entering the U.S. for many years, even a lifetime.

Unfortunately, current immigration law allows very little room for discretion or consideration of the full facts of these cases, and the impacts that denials have on American families, when determining if an individual should be allowed to exit and re-enter the country legally. Immigration officers and judges are bound by strict reading of the law, even though so many cases we hear clearly warrant discretion.

The lack of due process in these situations creates a significant hardship for U.S. citizens who must choose between their country and their family. An estimated **700,000 U.S. citizens** have experienced family separation as their spouse was refused a visa or was removed from the U.S., according to [American Families United](#), a volunteer-led organization of U.S. citizens with family members who cannot secure lawful status because of eligibility bars.

The [unlawful presence bars on re-entry](#) are a particularly harmful and outdated example. These are immigration penalties that are applied when someone has lived without authorization in the

U.S. and then departs, preventing them from re-entering for years. Individuals who were undocumented for more than a year are barred from re-entering for ten years; individuals who had multiple unauthorized entries might be barred permanently.

We have heard countless stories from families who did not even know they were going to be barred before they tried to re-enter. This happened to Jason Rochester, a U.S. citizen, and his wife Cecilia, who was undocumented and followed inaccurate advice from a lawyer to leave the U.S. to return to Mexico, only to find she was [subject to a permanent re-entry bar](#), separating her indefinitely from her husband and her son. Many families face long lasting consequences for innocent mistakes made many years ago, like U.S. citizen Matt Bryan and his wife Minerva. When she was very young and did not speak English, Minerva misunderstood a border agent's question and mistakenly described herself as a U.S. citizen when crossing the border for a party in Texas. That answer has prevented her from receiving a spousal visa, and has kept their family outside of the U.S., for more than a decade.

Congress should pass legislation to reform the bars on re-entry, and to provide government officials with more discretion to review and weigh inadmissibilities in immigration cases. This would allow individuals in the U.S. to access the already-existing legal immigration avenues for which they qualify, and would affirm Congress' intent that our immigration laws promote family unity and serve the interests of U.S. citizens, including those whose spouses are undocumented.

Let us be clear—these narrow changes are not sufficient to provide relief and opportunity to all undocumented immigrants in the United States. We are counting on you to continue to fight for a full pathway to citizenship for everyone. Reforming the inadmissibility bars would be a significant step towards that goal.

We urge you to take up this effort and lead in advancing legislation to reform the unlawful presence bars, expand discretion in adjudicating cases, and restore access to existing legal immigration channels for millions of American families. We stand ready to help your efforts however we can.

Sincerely,

1199SEIU United Healthcare Workers East
African Communities Together (ACT)
Alianza Americas
American Families United
American Friends Service Committee (AFSC)
Asian Americans Advancing Justice | AAJC
Breakthrough Central Texas
Care in Action
CARECEN - NY
Catholic Charities Community Services, Archdiocese of New York
Center for Community Alternatives

Center for Law and Social Policy
Children at Risk
Coalition for Humane Immigrant Rights (CHIRLA)
Coalition of Latino Leaders, CLILA
Committee for Hispanic Children & Families (CHCF)
Esperanza Immigrant Rights Project
Florence Immigrant & Refugee Rights Project
Florence Immigrant & Refugee Rights Projec
Florida Immigrant Coalition
Florida People's Advocacy Center
Florida Policy Institute
For the Many
FWD.us
Haitian Bridge Alliance
Haitian Women for Haitian Refugees
Hispanic Affairs Project
Hispanic Federation
Immigrant ARC
Immigrant Defenders Law Center
Immigrant Legal Resource Center
Immigration Hub
ImmSchools
InterReligious Task Force on Central America
Juntos Community
Latin American Association
Michigan Immigrant Rights Center
National Domestic Workers Alliance
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project (NIPNLG)
Neighbors Link
New York Immigration Coalition
Nigerian Center
Ohio Immigrant Alliance
SEIU Local 105
Service Employees International Union (SEIU)
Southeast Asia Resource Action Center (SEARAC)
The Children's Partnership
UnidosUS
United We Dream
UnLocal
Value our Families
Voces Unidas Action Fund
Voice for Refuge Action Fund

Voice for Refuge Action Fund
Voto Latino
Workers Center of Central New York