

April 13, 2011

The Honorable Janet Napolitano  
Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Secretary Napolitano:

We, the undersigned organizations, believe that family unity is the cornerstone of American society and urge you to take immediate action to help protect American families. In recent years, we have been extremely troubled by the number of families who have been separated as a result of current U.S. immigration laws and policies. For example, a 2009 Department of Homeland Security (DHS) Office of Inspector General report estimated that between fiscal years 1998 and FY 2007, the federal government deported over 108,000 parents of U.S. citizen children.

While many individuals waiting to reunify with family members in the United States reside overseas, some are already living in the United States, working and contributing to our communities. Current immigration law requires many unauthorized immigrants seeking to obtain permanent residence to return to their home countries to obtain their visas. However, as a result of their time in the United States as undocumented immigrants, when they leave the United States, they trigger three and ten-year bars to admission. Unlawful presence bars can be waived, but these waiver applications must be submitted abroad after immigrants have departed the United States.

Concerns about facing the unlawful presence bars and the uncertainty of the waiver process discourage immigrants from coming forward. Consequently, to stay with their families, many remain in the shadows and risk deportation rather than seek the waivers overseas. In the Appendix, you can find two stories of American families impacted by the unlawful presence waiver requirements.

In the absence of a broader immigration reform, policy changes are urgently needed. We therefore recommend that DHS allow eligible family members to apply for unlawful presence waivers from inside the United States. Such a change would help uphold family unity and encourage immigrants to come forward and get right with the law.

Thank you for considering this recommendation and we look forward to hearing your feedback.

Sincerely,

Accion Colombia  
American Families United  
American Immigration Council  
American Immigration Lawyers Association

American Jewish Committee  
America's Voice  
Asian American Institute, Member of the Asian American Center for Advancing Justice  
Asian American Justice Center, Member of the Asian American Center for Advancing Justice  
Asian Law Caucus, Member of the Asian American Center for Advancing Justice  
Asian Pacific American Legal Center, Member of the Asian American Center for Advancing Justice  
Atlanta Mennonite Fellowship  
Boat People SOS  
Casa Esperanza  
Catholic Social Services Immigration Program  
Church World Service, Immigration and Refugee Program  
Daya Inc.  
Disciples Justice Action Network  
Florence Immigrant & Refugee Rights Project  
Florida Immigrant Advocacy Center  
Franciscan Action Network  
Hebrew Immigrant Aid Society  
Hispanic Association of Colleges and Universities  
Hispanic Federation  
HOLA (Hispanas Organizadas de Lake y Ashtabula)  
Immigrant Legal Advocacy Project  
Immigration Equality  
Interfaith Coalition on Immigration (Minnesota)  
Interfaith Worker Justice  
Irish Apostolate USA  
League of United Latin American Citizens  
Lutheran Immigration & Refugee Service  
Massachusetts Immigrant and Refugee Advocacy Coalition  
Mennonite Central Committee U.S. Washington Office  
Mexican American Legal Defense and Educational Fund  
Missouri Immigrant and Refugee Advocates  
Muslim American Society Immigrant Justice Center  
Muslim Public Affairs Council  
National Advocacy Center of the Sisters of the Good Shepherd  
National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund  
National Center for Transgender Equality  
National Council of La Raza  
National Immigrant Justice Center  
National Immigration Forum  
National Immigration Law Center  
National Korean American Service & Education Consortium  
Nebraska Appleseed Center for Law in the Public Interest  
NETWORK

New Sanctuary Movement NYC  
New York Immigration Coalition  
No More Children Left Behind  
No More Deaths  
North Carolina Immigrant Rights Project  
Northwest Immigrant Rights Project  
OCA  
OneAmerica  
Raksha, Inc.  
Redlands Christian Migrant Association  
SEIU  
Sikh American Legal Defense and Education Fund  
South Asian Americans Leading Together  
Southeast Asia Resource Action Center  
Southeastern Counseling Center/El Centro del Sudeste Para Consejo  
Social Justice Guild of the First Existentialist Congregation of Atlanta  
TrikoneNW  
UFCW  
Unitarian Universalist Association of Congregations  
United Church of Christ, Justice and Witness Ministries  
United Methodist Church, General Board of Church and Society  
United Sikhs  
Wilco Justice Alliance  
Women's Refugee Commission  
World Organization for Human Rights USA  
World Relief

## Appendix

### American Families Impacted by the Unlawful Presence Waiver Requirements

#### *Angelica Ramirez and Randy Thomas\**

In 1998, Angelica Ramirez, a young Guatemalan woman, entered the United States without proper authorization. In 2001, she met Randy Thomas, a U.S. citizen. In 2003, they married and now have four children together. Randy, however, has been diagnosed with end stage renal failure, and he was later forced to stop working because of his illness. He now depends on his wife to care for him. To add to the family's hardship, the couple's 5 year old son was born with spina bifida and requires specialized care. In May 2008, a few months short of the 10 years needed for Angelica to be eligible for immigration relief, DHS placed her into immigration removal proceedings. Months later, in recognition of the severity of the family's situation, DHS agreed to terminate her removal proceedings.

Although she is no longer in removal proceedings, Angelica remains in limbo, unable to work in the United States and with an uncertain future. She has an approved family visa petition, but the U.S. Consulate in Guatemala told her that it would take at least one year to process her application. Her family cannot survive without her for such a long time. Moreover, her husband could die within the year, leaving her outside the United States and without an anchor for the necessary waiver.

#### *Michael Ata and Jeanette Smith\**

In the early 1990s, Michael Ata came to the United States from Ghana to study computer science. Fearing that he would be harmed if he returned to Ghana, Michael filed for asylum. However, his attorney mishandled his case. In 1997, Michael was detained by immigration authorities. Although he was later released, he was given a deportation order.

In 2001, Michael married Jeanette Smith and they now have a 6 year old son. Jeanette is a U.S. citizen and she thought they could help legalize Michael's status once they were married. But for more than 10 years, they have been struggling to resolve Michael's legal status. Four years ago, the government raided the family's home. For fear of being permanently separated, since then Michael has lived apart from his wife and son. It is very painful for Jeanette and her son to live apart from Michael, but the family is reluctant to apply for a waiver. They fear that he would get stuck in Ghana if the government did not grant his waiver.

\* Names changed to protect the individuals' identity.