

Congress of the United States
Washington, DC 20515

August 26, 2014

President Barack Obama
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President:

We are pleased that you and your administration are reviewing potential actions to end separation of families and deportations of individuals with longstanding ties to the U.S. As you engage in this process, we stand ready to work with you and appreciate this opportunity to share our thoughts.

We understand that stakeholders within both Congress and the immigrant rights community have given recommendations on some of the options available, and we join in strongly encouraging you to seek big, broad action that will bring relief to as many people possible who are currently in the U.S. without status. Extending programs like the Deferred Action for Childhood Arrivals process or Parole in Place to greater populations will allow those without status the ability to live and work here without fear.

Additionally, we would like to call your attention to specific areas of improvement to existing processes that could help provide significant relief to the many people currently here in the U.S. who may in fact be able to enter the country legally through other channels. We urge your consideration of these changes as part of any administrative action you take.

Individuals who might be eligible for other immigration options often find themselves trapped in an impossible situation, where they must leave the U.S. in order to apply through a legal option, but as soon as they do so, they trigger the statutory 3- and 10-year bars from applying to enter the U.S. legally. In many cases, the bars are the only thing holding an individual back from being able to immigrate here legally, such as through family, an employer, or investment visa opportunities. Under current law, these individuals can apply for these bars to be waived, yet are often faced with the uncertainty of whether their waiver request will be granted, or if it will be denied and leave them stranded in another country as a result.

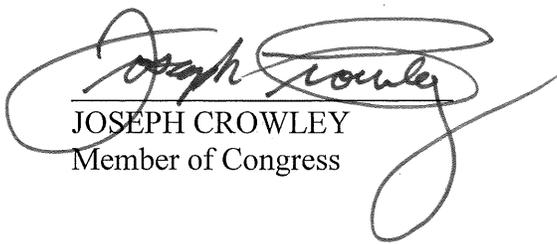
The provisional waiver process developed in 2012 was a significant step forward in allowing some applicants to apply for the waiver while still present in the U.S., removing the danger of long separations from their family and encouraging people to regularize their status. We urge you to expand this provisional waiver process to apply to more categories of people and families, and to ensure it applies to legal permanent residents and those who are in the U.S. as a result of visa overstays. These changes not only will improve the waiver process in practice, but they will also ensure the reality of the process better reflects Congress's intent in establishing a waiver process in the original statute.

Additionally, we ask that your administration clarify the circumstances needed to qualify for a waiver in order to ensure consistent enforcement, and we further suggest that waiver approvals be granted consistently in situations when the applicant is attempting to use their available options to come to the U.S. legally, and without using potential immigration intent as a disqualifying factor. We understand on prior occasions, some consular officials have sought to recommend waiver approvals more frequently when legal visa options are available to the applicant, and we urge that policies like this one be incorporated into waiver guidance worldwide.

Finally, we urge you to explore options to allow people with legal immigration opportunities to be able to adjust their status without having to leave the country. For people who face only the 3- and 10-year bars as barriers to legal immigration, allowing them to adjust their status from within the U.S. would eliminate the need for them to leave the country and therefore trigger the bars. This would also do away with the need for waiver applications from these bars, streamlining the process and allowing more people currently in the U.S. to obtain status through legal channels.

We know you share our goal of bringing more people out of the shadows and reducing the threat of deportation that looms over so many in our communities. Allowing those without status to instead use legal options to be in the U.S. is an important part of addressing current problems with the immigration system. We look forward to working with you to pursue these administrative actions, which will provide relief and reliability to many of our constituents. While we agree that much more than these suggestions can and should be done, we do hope you will include these steps as part of your overall plan.

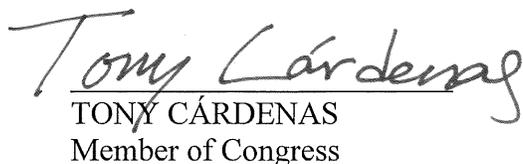
Sincerely,



JOSEPH CROWLEY
Member of Congress



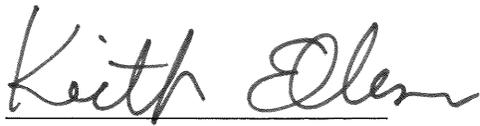
BARBARA LEE
Member of Congress



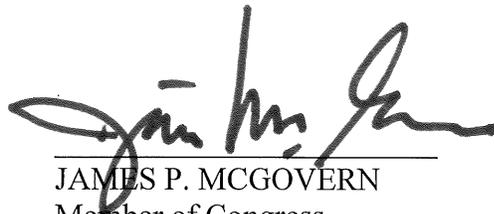
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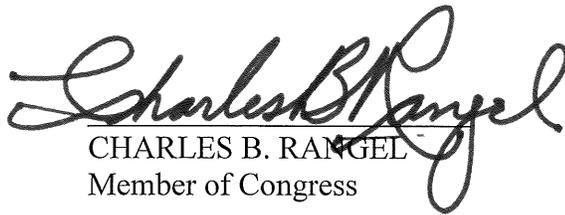
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Member of Congress



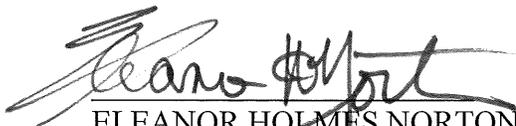
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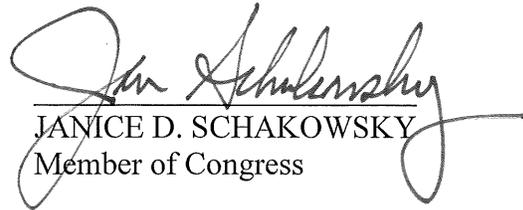


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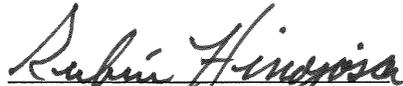

JANICE HAHN
Member of Congress

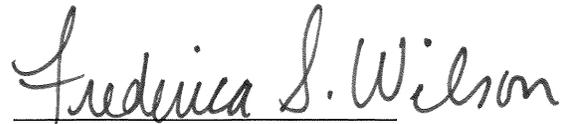

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CC:

The Honorable Eric Holder, Attorney General, U.S. Department of Justice

The Honorable Jeh Johnson, Secretary, U.S. Department of Homeland Security

The Honorable John Kerry, Secretary, U.S. Department of State