

Congress of the United States
Washington, DC 20515

November 17, 2016

The Honorable Jeh Johnson
Secretary of Homeland Security
Washington, DC 20528

Dear Secretary Johnson,

We urge you to change policy within the Department of Homeland Security (DHS) that prevents family members of current and former members of the U.S. Armed Forces from qualifying for parole-in-place for military families based on nonviolent criminal convictions. Policy decisions that involve keeping families together should not be seen as black-and-white but as one of many factors to be weighed in considering an applicant's petition for parole-in-place. This is especially true for family members of our service members who already face disproportionate stress in service to our country. We should not add any undue stress on our service members by tearing their families apart.

In 2013, responding to concerns that "our veterans, who have served and sacrificed for our nation, can face stress and anxiety because of the immigration status of their family members in the United States," DHS adopted a policy to grant parole-in-place to close family members of veterans and active members of the U.S. Armed Forces and Reserves. In adopting the policy, DHS recognized that "[w]e as a nation have made a commitment to our veterans, to support and care for them."

Unfortunately, this commitment did not extend to veterans whose family members had criminal records of any kind. According to the memo, parole-in-place is appropriate "[a]bsent a criminal conviction or other serious adverse factors." The suggestion that a single criminal conviction of any kind eclipses our nation's "commitment to our veterans" is callous and unreasonable. This provision relies on our broken criminal justice system that disproportionately convicts people of color and forces them to live with a "scarlet letter" for the rest of their lives.

The existing restrictions for parole-in-place are already affecting our military families as evidenced by the case of Jorge Alvarez, a United States citizen who served seven years in the Marines and then watched helplessly as his father was deported based on a decades-old nonviolent drug conviction. Last February, Jorge's father, Jose Alvarez, was deported after being stopped by the California State University, Long Beach (CSULB) Police Department for a broken headlight. Jose had lived in the United States for decades, raising Jorge and his five other US citizen children to study, work hard, and give back to their family and their community. He encouraged and took pride in the decision of Jorge, his eldest son, to join the Marines. Nonetheless, he was identified as a priority for deportation based on an over twenty-year-old felony conviction for a nonviolent drug offense. Within less than seven hours he was in Mexico.

That he was ineligible for parole-in-place despite his son's service reflects our nation's failure to carry through on our commitment to our veterans. Notably, Jorge Alvarez was in the military when the policy on parole-in-place for military families was adopted, and yet he only came to learn of the program after his father's deportation. To his knowledge, there was no formal process of informing members of the armed forces about the possibility of applying for parole-in-place for their parents, children, and spouses.

A person is more than his or her worst day. The families of veterans and members of the United States Armed Forces, like all of us, deserve to be judged based on their entire record, not simply one event. A criminal conviction—especially a single conviction for a non-violent offense—should not be a complete bar to parole, but rather one of several factors to be considered as part of the totality of the circumstance. Our veterans and armed forces have earned at least that much respect for their loved ones. We call on DHS to immediately amend its policy on parole-in-place for military families to make clear that a nonviolent criminal conviction is not a complete bar to eligibility. We further ask that you take the necessary steps to ensure that both active members of the military and veterans are properly informed about the policy and allow Jose Alvarez to return home to his family by granting his pending application for humanitarian parole.

Sincerely,



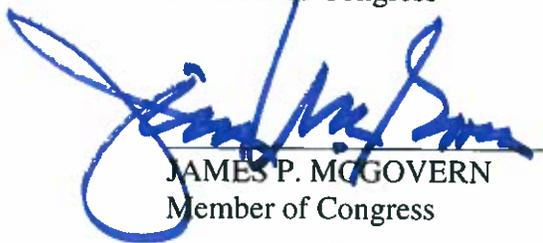
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Member of Congress



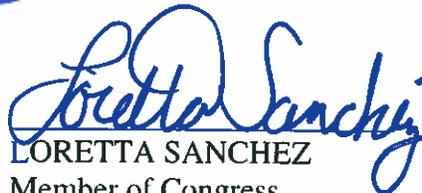
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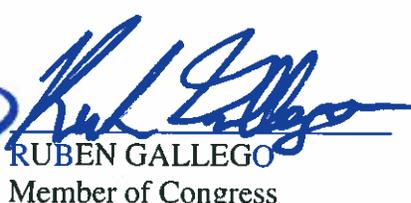
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