



**Congress of the United States**  
House of Representatives  
Washington, DC 20515-2209

February 25, 2021

The Honorable Alejandro Mayorkas  
Secretary  
U.S. Department of Homeland Security  
650 Massachusetts Avenue, NW  
Washington, DC 20001

The Honorable Tae D. Johnson  
Acting Director  
U.S. Immigration and Customs Enforcement  
500 12<sup>th</sup> Street SW  
Washington, DC 20536

Dear Secretary Mayorkas and Acting Director Johnson:

Congratulations on your recent leadership appointments at the U.S. Department of Homeland Security and U.S. Immigration and Customs Enforcement. We write respectfully to urge you to avoid the detention or removal of Iraqi nationals at risk of deportation and request immediate action to provide long-term relief for these individuals and their families.

In June 2017, U.S. Immigration and Customs Enforcement (ICE) threatened to deport approximately 1,400 Iraqis with final orders of removal. A court order in *Hamama v. Adducci* protected this group from deportation unless individuals were willing to return to Iraq. Between then and December 2018, hundreds of individuals from that group who were set to be deported had their cases reopened. Of those who have had their cases heard, many have won relief – including not just withholding or deferral of removal under the Immigration and Nationality Act or Convention Against Torture, but reinstatement of their green cards and even naturalization. In December 2018, the Sixth Circuit Court of Appeals reversed the District Court’s stay of removal, and the order preventing removal remained temporarily in effect during the Court’s consideration of a rehearing. With the Circuit Court’s April 2, 2019 denial to grant a rehearing, an estimated 1,000 individuals, including hundreds of Chaldean Christians, were put at immediate risk of deportation.

These individuals came to the United States under varying circumstances; many were refugees and lawful permanent residents. They were ordered removed years, even decades, ago at a time when those removal orders meant very little, because Iraq was not allowing repatriations. Conditions in Iraq have changed dramatically since their removal orders were entered, and it would be not only unfair, but dangerous, to deport Iraqis without ensuring that their cases are considered individually based on current country conditions.

The threats to religious minorities in Iraq are well-documented and of particular concern. The State Department’s Country Reports on Human Rights Practices for 2019 detail numerous

examples of discrimination faced by Christians and other religious and ethnic minorities.<sup>1</sup> In 2016, the Obama Administration declared that a genocide of minorities was occurring in Iraq, which the Trump Administration affirmed in 2017.<sup>2</sup> We are gravely concerned that, if deported, individuals could face torture or murder due to their religion or ethnicity.

The risks of deportation are not unique to members of religious or ethnic minorities. Many individuals have known no home other than America, and they speak little or no Arabic, which puts them in danger in Iraq regardless of religion or ethnicity. On August 6, 2019, Jimmy Aldaoud, a Chaldean resident of Oakland County, Michigan, died of a diabetic crisis after his deportation to Iraq. Jimmy had never been to Iraq, had no legal, government-recognized identification, had no family, had no knowledge of geography or customs, did not speak the language and, ultimately, had no access to medical care that could have saved his life. We are determined to prevent any further injustices like those that led to Jimmy's death.

These Iraqis facing deportation have deep roots, family, and employment ties in the United States and share one key commonality: they deserve to be fully and fairly considered on an individualized, case-by-case basis. They cannot and should not be treated, detained, or deported as a monolith.

In the 116<sup>th</sup> Congress, we took several bipartisan actions to seek immediate assistance from the Trump administration to prevent the detention and deportation of these individuals:

- On April 5, 2019, we led a letter to the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) signed by more than 20 bipartisan lawmakers requesting deferral of detention and deportation of affected Iraqi nationals.
- On April 10, 2019, Congressman Levin, Congressman Moolenaar, Congresswoman Elissa Slotkin and Congressman Jeff Fortenberry sent a letter to Vice President Mike Pence requesting intervention on this issue following the announcement that the heads of DHS and ICE were departing.
- On May 7, 2019, Congressman Levin and Congressman Moolenaar introduced the bipartisan H.R. 2537, Deferred Removal for Iraqi Nationals Including Minorities Act, which would have ensured urgent relief by deferring the removal of Iraqi nationals for a two-year period.
- On June 24, 2019, Congressman Levin and Congressman Moolenaar sent a letter to Secretary of State Pompeo requesting assistance to prevent the detention and deportation of Iraqi nationals living in the United States.

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<sup>1</sup> "Country Reports on Human Rights Practice for 2019: Iraq." U.S. Department of State. Available at: <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/iraq/>.

<sup>2</sup> "Remarks on Daesh and Genocide." U.S. Department of State. Available at: <https://2009-2017.state.gov/secretary/remarks/2016/03/254782.htm>.

"Remarks on the 2016 International Religious Freedom Annual Report." U.S. Department of State. Available at: <https://2017-2021.state.gov/remarks-on-the-2016-international-religious-freedom-annual-report/index.html>

Unfortunately, we were unable to compel the administration to provide relief. As of today, more than 1,000 Iraqi nationals still face deportation and the risk of death if sent to Iraq.<sup>3</sup>

We ask that the administration use its authority and discretion to protect Iraqi nationals and keep their families united through the following actions:

1. Directing DHS to halt deportations of Iraqi nationals to Iraq;
2. Barring deportation of Iraqi nationals unless there is affirmative evidence that they will be safe in Iraq; they have a current, valid Iraqi passport; and they were born in Iraq;
3. Directing ICE to exercise its discretion to release and not detain Iraqi nationals whose deportation is not allowed or is unlikely; and
4. Instructing the Department of Justice, ICE and the remaining defendants to settle the *Hamama v. Adducci* litigation with an agreement not to deport any Iraqis absent evidence that they will be safe in Iraq, and not to detain any Iraqis absent such a finding.

We stand ready to work with you to ensure that Iraqi nationals are protected, and families are not torn apart. Thank you for your consideration of this request. We look forward to your prompt action and response.

Sincerely,



ANDY LEVIN  
Member of Congress



JOHN R. MOOLENAAR  
Member of Congress

BRENDA L. LAWRENCE  
Member of Congress

JAN SCHAKOWSKY  
Member of Congress

HALEY STEVENS  
Member of Congress

JUAN VARGAS  
Member of Congress

RASHIDA TLAIB  
Member of Congress

DORIS MATSUI  
Member of Congress

DANIEL T. KILDEE  
Member of Congress

SARA JACOBS  
Member of Congress

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<sup>3</sup> "Iraqis face torture or death if deported: Hamama V. Adducci." Available at: <https://www.aclumich.org/en/cases/hamama-v-adducci>

HENRY C. "HANK" JOHNSON, JR.  
Member of Congress

DEBBIE DINGELL  
Member of Congress

TIM WALBERG  
Member of Congress

COLIN ALLRED  
Member of Congress

FRED UPTON  
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