



Written by [Warren Mass](#) on September 3, 2014

Federal Government to Allow Deported Illegals to Return to U.S.

In a settlement reached with plaintiffs represented by the ACLU on August 20, the federal government agreed to allow some illegal immigrants who returned to Mexico under the government's "Voluntary Return" program to return to the United States.

The ACLU filed a class-action lawsuit, *Lopez-Venegas v. Johnson*, on June 4, 2013 on behalf of eleven illegal immigrants who had deported themselves under the "Voluntary Return" program, as well as three Southern California immigrants' rights organizations. (The "Johnson" named as defendant is Secretary of Homeland Security Jeh Johnson. When originally filed, the suit named Johnson's predecessor, Janet Napolitano, as the primary defendant. Officials with U.S. Customs and Border Protection, Immigration and Customs Enforcement, and the Border Patrol were also named as defendants.)



Breitbart reported that the settlement reached on August 20 will cover only "longtime California residents with relatives who are U.S. citizens and ... young migrants whose parents brought them into the country illegally" who deported themselves between 2009 and 2013.

According to the settlement, the federal government, by advertising online, in print, on billboards, and on radio stations, will attempt to reach "friends and family of the affected class" in Southern California and Mexico to inform them about this change in policy.

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Through the agreement reached with the ACLU initially covers only nine Mexicans who claim they were "tricked" into signing fast-track "voluntary return" deportation agreements after 2009, it also establishes a legal precedent that the ACLU can use to claim that millions of other illegals were also improperly sent home under the "voluntary return" policy.

The ACLU summarized the agreement on its website, noting that under its terms, government officials must:

1. Provide detailed information — in writing, orally, and through a 1-800 hotline — regarding the consequences of taking "voluntary return" to non-citizens asked to choose between "voluntary return" and a hearing before a judge;
2. Cease "pre-checking" the box selecting "voluntary return" on the forms the agencies provide to non-citizens;



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3. Permit non-citizens to use a working phone, provide them with a list of legal service providers, and allow them two hours to reach someone before deciding whether to accept “voluntary return”;
4. Provide lawyers meaningful access to clients detained by Border Patrol or ICE;
5. Cease pressuring or coercing individuals to accept “voluntary return”; and
6. Allow ACLU attorneys to monitor compliance with the settlement agreement for three years.

The ACLU writes: “The settlement also includes provisions that, if approved by the court, would allow some of the hundreds of thousands of Mexican nationals who have been expelled from the United States pursuant to unlawful ‘voluntary returns’ to reunite with their families here.”

The ACLU’s reference to “hundreds of thousands of Mexican nationals” underscores the magnitude of the illegal immigration problem. As we have reported recently, the massive numbers of immigrants from Central America who have illegally crossed our border, including an estimated 60,000 children unaccompanied by parents or relatives who will pour into the United States this year, have completely overwhelmed our immigration courts.

Testifying before the Senate Homeland Security Committee studying the illegal immigration crisis on July 9, Juan Osuna, director of the Executive Office of Immigration Review at the Department of Justice, said, “We are facing the largest caseload that the agency has ever seen.”

Judge Dana Leigh Marks of San Francisco, who has been deciding immigration cases since 1987 and is president of the National Association of Immigration Judges, was quoted in a July 22 Reuters report: “We are reaching a point of implosion, if we have not already reached it.”

Reuters noted that Marks, who is one of the 243 judges presiding over 59 immigration courts in the United States, is setting hearing dates as far in the future as 2018.

One can only imagine what effect the settlement reached under *Lopez-Venegas v. Johnson* will have on our already-overburdened immigration courts. Perhaps the solution is to make deportation no longer “voluntary.”

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