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August 24, 2022

Amanda Baran, Chief, Office of Policy and Strategy
United States Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, Maryland 20588

Re: ILRC Commends Recent Changes to USCIS Policy Manual on Unlawful Presence Bars and Travel Policies for TPS Holders

Dear Ms. Baran,

We write to commend USCIS on the recent USCIS Policy Manual additions clarifying guidance on the unlawful presence bars. We further thank USCIS for rescinding *Matter of Z-R-Z-C* and updating its interpretation on the effects of authorized travel by Temporary Protected Status (TPS) beneficiaries. These changes will benefit affected applicants significantly, create clarity and consistency across adjudications, and help USCIS achieve its overall mission to uphold America's promise as a nation of welcome and possibility.

The ILRC is a national non-profit organization that provides legal trainings, educational materials, and advocacy to advance immigrant rights. The ILRC's mission is to work with and educate immigrants, community organizations, and the legal sector to continue to build a democratic society that values diversity and the rights of all people. Since its inception in 1979, the ILRC has provided technical assistance on hundreds of thousands of immigration law issues, trained thousands of advocates and pro bono attorneys annually on immigration law, distributed thousands of practitioner guides, provided expertise to immigrant-led advocacy efforts across the country, and supported hundreds of immigration legal non-profit organizations in building their capacity. Through our extensive networks with service providers, immigration practitioners, and immigration benefits applicants, we have developed a profound understanding of the barriers faced by immigrants seeking to obtain immigration benefits.

We applaud the agency's guidance, issued June 24, 2022, clarifying that the INA § 212(a)(9)(B) unlawful presence bars can run inside the United States.¹ This interpretation is in line with the plain language of the statute, longstanding practice, and public policy considerations. This guidance will also provide clarity to adjudicators and resolve inconsistencies in adjudications, while helping to ensure eligible applicants can gain lawful status.

¹ USCIS, *INA 212(a)(9)(B) Policy Manual Guidance*, <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20220624-INA212a9B.pdf> (June 24, 2022).

The ILRC also commends USCIS on the changes announced July 1, 2022, to the USCIS Policy Manual regarding authorized travel by TPS beneficiaries.² We applaud the rescission of *Matter of Z-R-Z-C*, a decision which was contrary to the plain language of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (MTINA), reversed prior practice, and had adverse effects on numerous TPS holders and their family members. We further appreciate the agency’s travel policy for TPS beneficiaries to address this situation going forward and ensure that TPS holders who return lawfully are considered “inspected and admitted” in compliance with the MTINA.

Again, we appreciate the work being done at USCIS to address barriers to relief and commend the agency for these changes.

Sincerely,

/s/

Alison Kamhi
Legal Program Director
Immigrant Legal Resource Center

² USCIS, *Rescission of Matter of Z-R-Z-C as an Adopted Decision; Agency interpretation of authorized travel by TPS beneficiaries*, <https://www.uscis.gov/sites/default/files/document/memos/PM-602-0188-RescissionofMatterofZ-R-Z-C-.pdf> (July 1, 2022).