



TESTIMONY OF

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ON

Oversight of Immigrant Military Members and Veterans

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Introduction:

Chair Lofgren, Ranking Member McClintock, and distinguished Members of this Subcommittee, thank you for the opportunity to testify today.

I appear before you today as the Department of Homeland Security's (DHS) Director of the Immigrant Military Members and Veterans Initiative (IMMVI). My 37 years of federal service have been in the field of U.S. immigration. During the last 17 years, I have served as a DHS Senior Executive, where I have led large multi-disciplinary teams responsible for the administration and delivery of U.S. immigration benefits.

My work in support of our nation's noncitizen service members began in 2003 when I served as the U.S. Citizenship and Immigration Services' (USCIS) District Director in San Diego, California. There I observed firsthand how important immigration and citizenship services are to military members and to the readiness of our Armed Forces. In 2003, many service members were days away from deploying to Iraq in support of Operation Iraqi Freedom (OIF). They had so many demands that are inherent in preparing to deploy to a combat zone, yet they came to our office with concerns about their families' immigration status and completing their own naturalization process before they deployed. My team understood the importance of prioritizing military naturalization and addressing their family's immigration issues, so they could focus on their military duties and serve our Nation honorably. The Department understood then, as we do now, that our actions in support of these brave service members directly impact their readiness to serve and protect us. It is our duty to provide a significant peace of mind to those that were willing to serve in defense of our Nation.

On February 2, 2021, President Biden signed Executive Order 14012, *Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans*.¹ In support of Executive Order 14012, on July 2, 2021, the Secretaries of DHS and Veterans Affairs (VA) announced a new joint initiative, the Immigrant Military Members and Veterans Initiative (IMMVI).² This initiative was established to support our Country's noncitizen service members, veterans, and their immediate family members, as part of the initiative, the DHS Secretary directed U.S. Citizenship and Immigration Services (USCIS), Immigration and Customs Enforcement (ICE), and Customs and Border Protection (CBP) to immediately conduct a review of policies and practices to ensure that all eligible current and former noncitizen service members and the immediate families of military members are able to remain in or return to the United States, remove barriers to naturalization for those eligible, and improve access to immigration services.

I am proud to work alongside the many dedicated and talented professionals from DHS, VA, and Department of Defense (DoD) who are assisting with the IMMVI and providing

¹ See Executive Order 14012, *Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans*, 86 Fed. Reg. 8277 (February 2, 2021), available at <https://www.federalregister.gov/documents/2021/02/05/2021-02563/restoring-faith-in-our-legal-immigration-systems-and-strengthening-integration-and-inclusion-efforts>.

² See <https://www.dhs.gov/news/2021/07/02/dhs-va-announce-initiative-support-noncitizen-service-members-veterans-and-immediate>.

exceptional services and support to military members, veterans, and their families every day. Many are veterans themselves. I am also grateful for the partnership we share with passionate advocates, nonprofit organizations, and veteran support groups who have been on the forefront of these issues for decades and who continuously remind us of the meaning behind the phrase, “We support our troops.” They have called upon all of us who are in positions to effect change to do our best, follow through, and leave no one behind.

Overview:

To date, the IMMVI interagency effort has focused on four primary objectives: (1) assist previously removed veterans, and their family members with their requests to return to the United States; (2) establish DHS policies that recognize the significance of military service, as well as track the outcomes of all military associated cases; (3) improve access to naturalization services for all noncitizen U.S. military members; and (4) engage with the advocacy and stakeholder community.

Shortly after the July 2021 announcement, an interagency coordination team was formed to implement the IMMVI. The team includes senior managers and subject matter experts from the VA, DoD, and DHS’s three immigration Components – U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement, (ICE) and U.S. Citizenship and Immigration Services (USCIS). In less than a year, the IMMVI team has made significant progress toward achieving these objectives.

I. *Assisting Previously Removed Veterans and Their Families with Requests to Return to the United States*

In August 2021, DHS established an initial intake process for time sensitive cases involving veterans who were previously removed from the United States. In September 2021, the IMMVI interagency team hosted their first stakeholder meeting and advised veterans and their advocates to contact IMMVI at IMMVETS@HQ.DHS.GOV with urgent cases and inquiries. Since this launch, the IMMVI team has responded to hundreds of inquiries from current and former service members and their attorneys seeking assistance with both immigration and veteran benefits issues. The initial inquiries identified the need for a simple intake process that recognized that many veterans would have limited access to their immigration and military histories. It also identified the importance of centralizing DoD and VA resources with DHS resources, to facilitate access to information. IMMVI used these lessons, along with direct user testing, to develop our online resource pages.

In February 2022, the IMMVI team introduced a “one-stop” online resource center, www.dhs.gov/immvets, to consolidate all federal resources available to support noncitizen veterans, active service members and their families. The site includes a web portal for noncitizen veterans living outside of the United States who need assistance to access their VA benefits or seek return to the United States. From the resource site, these individuals can learn how to seek naturalization and other immigration services, request VA benefits, process paperwork with DoD, seek pro bono or low-cost immigration and other legal counsel, and other services. Since the launch, the site has received over 7,500 unique visits from the public.

As of June 21, 2022, the IMMVI team has received and responded to 143 inquiries from veterans who are living outside the United States due to removal, or other issues that restrict their return. In response to the inquiries, DHS provided information to the veterans about the process for applying for humanitarian parole and connected them to the VA for assistance with evaluating their eligibility for VA benefits. As of May 11, 2022, the IMMVI team has also reviewed, and decided, 26 requests for parole and is currently reviewing 35 additional requests. The number of veterans who inquire through the portal changes daily and we anticipate receiving more inquiries over the coming months as more veterans learn about the portal through our outreach efforts. We also anticipate the volume of parole requests will increase if veterans are able to secure legal counsel.

Not only does the online portal create a more efficient and effective means for communication with noncitizen veterans, but it also allows the Department to better track the needs of veterans who have been removed, maintain metrics on response times, and improve coordination within DHS and among our interagency partners. The portal will serve as a critical resource for reporting as the effort matures.

II. Review DHS Policies Relating to Military Association

In August of 2021, DHS began reviewing its policies related to individuals with military association and developed and issued additional policies and guidelines to improve the identification, treatment and tracking of military associated cases.

On February 11, 2022, USCIS, ICE and CBP issued *Supplemental Parole Guidance for Certain Noncitizen Current and Former Service Members and Qualifying Family Members of Current and Former Service Members Seeking Return to the United States*. Highlights of the supplemental policy guidance include:

- Specialized training for DHS officers who make decisions on parole for current and former military members and their families.
- Expedited handling of requests for parole from current and former military members and their families, and supervisory review of parole decisions.
- Fee exemptions for initial parole requests and applications for employment authorization for current, and former military members.
- Identifying additional factors to consider in the exercise of discretion for current and former military members and their families.

It is important to recognize that parole is not a permanent solution. While individuals who receive parole are granted entry into the United States, they are not provided an immigration status nor are they formally “admitted” into the United States for purposes of immigration law. Parole will not always be a step on a path toward some permanent legal immigration status.

DHS continues to improve its ability to identify and document current and former members of the military who are encountered and in removal proceedings. Since November 2020, databases used by ICE’s Enforcement and Removal Operations (ERO) officers provide a data field to capture military association. The military association data field becomes mandatory as soon as a system user indicates that the subject has been arrested. The ICE Office of the

Principal Legal Advisor (OPLA) provides similar guidance to attorneys, requiring that veteran status be documented in its case management system so that the information can be considered when weighing the exercise of prosecutorial discretion.

On May 23, 2022, ICE announced a new policy directive to consider U.S. military service when determining civil immigration enforcement actions against noncitizens. The implementation of ICE Directive 10039.2, [Consideration of U.S. Military Service When Making Discretionary Determinations with Regard to Enforcement Actions Against Noncitizens](#), provides agency-wide guidance to ensure service in the U.S. military by a noncitizen or their immediate family members is taken into consideration when deciding whether to take civil immigration enforcement actions against them and what enforcement action to take, if any.

III. Improve Access to Naturalization

IMMVI recognizes that ensuring members of the Armed Forces are naturalized as early as possible in their service is critical to recruitment, readiness and retention strategy. Current law provides that noncitizen service members who serve during a period of hostilities are eligible to apply for U.S. citizenship immediately upon certification of their military service by DoD. Meaningful access to naturalization will not only reduce the risk of veteran removals but it will provide an opportunity for noncitizen service members who have already sworn their allegiance to the United States by serving honorably in our Armed Forces to become U.S. citizens as soon as they are eligible -. The unfortunate and common story we hear is that many veterans are under the assumption that they automatically acquire citizenship by nature of their honorable military service and do not need to take additional steps to secure their U.S. citizenship. Through outreach and education DHS and DoD are working to correct this misperception.

When noncitizen U.S. military recruits enter basic training, they are fully focused on successfully completing it. They do not have the capacity or time to request certification of their military service from their commanding officer, gather evidence, file a complex application, and study for their naturalization exam, DoD and USCIS are working together to lift these types of barriers and provide assistance to noncitizen servicemembers who want to pursue U.S. citizenship.

Section 329 of the Immigration and Nationality law contemplates this type of interagency engagement. USCIS cannot complete a naturalization application from an active-duty service member without certification of their service from DoD. I am confident that USCIS and DoD will continue to find solutions to make naturalization services available to all non-citizen servicemembers, as soon as they are eligible, so these servicemembers can proudly call the country they are honorably serving their own.

IV. Engage with the Advocacy and Stakeholder Community

Since IMMVI was announced, the interagency team has routinely engaged with the advocacy community to improve services for non-citizen members of the military, veterans and their families, receive feedback and help identify gaps in services and information.

In March 2022, members of the IMMVI interagency team traveled to Los Angeles and San Diego, California; Tijuana, Mexico; and El Paso, Texas to meet with veterans and relevant stakeholders. Attendees included veteran organizations, attorneys, Members of Congress and their staff, state and city officials, and advocates. During these engagements, the IMMVI team provided an overview of the recently launched online resources, specifically highlighting the online portal. IMMVI members from VA provided information on benefits and accessing medical care outside of the United States. The IMMVI team also received feedback on how DHS and VA could better support this community.

Stakeholders are encouraged with the progress IMMVI is making in supporting veterans and President Biden's commitment to return previously removed veterans. They have also reported the urgent need for additional legislative action.

Conclusion:

I believe that many of your questions will be about veterans who have been removed from the United States. I would like to share some of what our team has observed and learned through case review and meetings with veterans and advocates.

The stories of veterans who have been removed from the United States are complex and often reflect the societal challenges we all must work to resolve. They have served at various times, many in Vietnam and Desert Storm, and some more recently, in the Global War on Terror. While some have served during peacetime, many served in combat missions and received honorable discharges. Some are currently suffering from serious mental or physical health issues and need treatment that they are entitled to but cannot access at VA medical facilities in the United States. Others are experiencing homelessness, isolation, and poverty. Some have reported being targeted or stigmatized because of their U.S. military service and are living in hiding in countries where they do not speak the language or understand the culture.

Almost all the veterans who were removed made serious mistakes, and their behavior hurt innocent people, their families, and our communities. Those who committed serious crimes served their prison sentences in the United States. Many have accepted responsibility for their actions and demonstrated their rehabilitation. Some veterans have succeeded in rebuilding their lives after their removal and are contributing members in the communities where they currently reside, often dedicating their time to supporting other veterans. Sadly, some have broken under the weight of their despair and live on the margins of society, where they cannot find work, and experience homelessness and food insecurity. Some veterans have died abroad, and their bodies have been returned to their families in the United States for a proper military burial.

The issue of removing veterans from the United States is not just a legal or administrative challenge; it is a dilemma of conscience. It raises the question of what service means and what our country's obligation is to those who have served. While difficult, it is also our problem to solve, together.

I am pleased to report this interagency effort, the relentless advocacy of our community partners, and the leadership of Congress, including members here today, is bringing us closer to real solutions. The Department looks forward to working with Congress on this issue, strengthening the initiative, and sharing some of the stories of veterans who we have assisted and have returned home.

Thank you for the opportunity to testify today. I look forward to your questions.