



Land of The Free, No Home to the Brave:

A Report on the Social, Economic, and Moral Cost of
Deporting Veterans

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About Texas Civil Rights Project

In its twenty-six year history, the Texas Civil Rights Project has brought thousands of strategic lawsuits and spearheaded advocacy to protect and expand voting rights, challenge injustices in our broken criminal justice system, and advance racial and economic justice for historically marginalized communities.

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Foreward

Gerardo Armijo came to the U.S. as an infant. He grew up in Texas, and joined the Army as a young man. He went on to serve two tours to Iraq, where he earned a Purple Heart for his exceptional service. When he returned from service after his final deployment, he began struggling with mental health and substance abuse issues. This led to drug-related convictions and, since he was a lawful permanent resident—not yet a U.S. citizen—those convictions made him eligible for deportation. When Mr. Armijo received a Notice to Appear from Immigration and Customs Enforcement, commonly known as ICE, late in 2015, he turned himself in to the Port Isabel Detention Center, where he remained for six weeks.

Mr. Armijo represents just one of the over 20,000 veterans in the Rio Grande Valley who have fought to save American lives and protect our freedom. Many of these brave men and women face potential deportation from the country they served. While the U.S. government does not track veteran status of the people it deports, estimates suggest some 3,000 veterans have been deported over the years.

Fortunately for Mr. Armijo, the public defender from the Hidalgo County Veterans Treatment Court found out about his detention, and notified our office, at Garcia & Garcia Attorneys at Law. We managed to have Mr. Armijo released from detention, and continue to assist him with his immigration proceedings.

Despite his ordeal, Mr. Armijo was lucky. Many others are not so. This report chronicles the stories of veterans who have been deported, rejected from the country they love and served, while highlighting some of the legal implications of his reprehensible practice.

Through my work in the community, I have come in contact with the families of deported veterans. I was shocked and appalled when I realized the magnitude of the problem. I could not believe our country was deporting Americans who had served in the armed forces and had been honorably discharged, at times risking their lives. I could not sit idly, especially considering how many families throughout Texas have been affected by this, so I decided to do everything in my power to help Mr. Armijo, and to make his story known as widely as possible. I was pleased to see that Congressman Vicente Gonzalez has made bringing deported veterans back home one of his priority issues. This issue affects veterans and their families throughout the country, but is felt here

in the Valley disproportionately. It is an unconscionable, shameful, and un-American practice, and one of the worst things our country can do to veterans.

Within that context, this report comes at a critical point in time. With immigration reform front and center in the national debate, it is critical for everyone to realize that veterans are sometimes also caught in the webs of our outdated and dysfunctional immigration laws. As a TCRP board member, the son of immigrants, and a person who cares deeply about this issue, I am proud to present this report because it explains the tragic cost that deporting veterans takes on all of us—on veterans, on Texas, and on our nation as a whole. The report balances incisive research about the issue with heartfelt personal stories from several deported veterans who still call Texas home, and hope to come back soon. The findings and recommendations outlined in the report align with and help advance our work on the issue.

Only by understanding a problem are we able to resolve it. The Texas Civil Rights Project is a leader among civil rights organizations in the Lone Star State, and it is an honor to collaborate with their team in their efforts to fight for those who have fought for us. Combining these efforts with thoughtful research and targeted legislation, we can hopefully move closer to that goal, until they all come home.



—
Carlos Moctezuma García
McAllen, Texas

Introduction & Summary of Findings

When Efrain Peralta joined the military upon graduating from high school, he never would have thought that the country he loved and pledged to defend would one day deport him. Peralta had entered the service with hopes of having a full-length military career, and proudly served for five years before he left for his home in Texas to care for his ailing father. When charged with drug possession shortly after his father's passing, he was convicted, sentenced to prison, and deported to Mexico, where he lives today.

Unfortunately, Peralta's story is not unique. Like Peralta, veterans who are not U.S. citizens and commit certain crimes face not only incarceration in but also potential deportation from the country they served. In contrast to their U.S. citizen counterparts, who may face jail or prison time for the same crimes, noncitizen veterans face the possibility of being expelled from the U.S. Notably, if tragically, these veterans often face deportation not for violent or dangerous crimes, but for drug or alcohol-related offenses,¹ crimes which often even stem in some way from their military service.

At the same time, immigration law allows noncitizen servicemembers the opportunity to gain U.S. citizenship through military service. Yet, for reasons described in this report, many noncitizen veterans fail to naturalize, and as a consequence, often also face deportation or removal. While veteran status can offer a pathway to citizenship for some, veteran status by itself does not insulate a person from deportation by an immigration judge.

The criminal justice and immigration systems thus combine to discriminate against noncitizen veterans, by subjecting them to disparate treatment compared to their citizen counterparts. Noncitizen veterans are "punished twice"—once when they are incarcerated, and once when they are deported; U.S. citizen veterans face only half these consequences for committing the same crimes.

This institutional discrimination carries special significance in Texas, home to both the second-highest number of noncitizen individuals² and the second-highest number of veterans in the nation.³ San Antonio, Texas, proudly bears the name "Military City, U.S.A." All in all, Texas—more than every state but one—has a high number of noncitizen individuals and a high number of veterans. It is therefore also home to a high number of noncitizen veterans, and many of them have and will continue to face removal from the country they served.

Additionally, this discrimination is all the more important today than in years past. Since September 11, 2001, the U.S. has been in a period of hostility, making it the longest-running conflict in the country's history.⁴ As such, the military requires a steady stream of new servicemembers, and in particular has recruited for and relied upon the medical, lingual, and cultural skills of noncitizen recruits. Discriminatory laws and policies that lead to veteran deportations, therefore, risk not only an individual veteran's ability to stay in the country he or she served, but also even the very strength of the U.S. military itself. Our veterans deserve better, as does our country.

This report analyzes the legal implications and human impact of placing veterans in so-called removal proceedings, the process under immigration law to deport or otherwise expel a person from this country. As the report shows, deporting noncitizen veterans harms not only the individual veterans put into these proceedings, but also the Texas communities in which they live, creating a social, economic, and moral disservice to both the veterans who served this country and the nation itself. Specifically, institutional discrimination against noncitizen veterans:

- (1) Fails to fully respect noncitizen veterans' basic civil and human rights;
- (2) Fails to either reduce crime or enhance safety and security; and
- (3) Wastes taxpayer money and harms the economy.

This report makes recommendations for addressing these important issues.

Methodology

We relied on three main sources in compiling the information for this report:

- ▶ Open records requests to both state and federal agencies;⁶
- ▶ Interviews with eight deported veterans, all of whom once called Texas home for some or most of their lives;⁷ and
- ▶ Independent legal and factual research, which is cited throughout.

The term “noncitizen veterans” in this report refers to individuals who (1) are either current Legal Permanent Residents, visa-holders, or undocumented; and (2) have served in the U.S. military.

Background

History of noncitizen veterans

Noncitizen individuals have had a long involvement with the U.S. military. Technically but also accurately, the first individuals to fight in the Revolutionary War for what is today the United States were noncitizens at the time they decided to pick up arms for their homeland. Noncitizen individuals have, in fact, joined the armed forces since the Revolutionary War.⁸ Since then, noncitizen individuals have likewise joined ranks and fought alongside their citizen counterparts during every major conflict,⁹ including the War of 1812, the Civil War, the Spanish-American War, both World Wars, the Korean War, the Vietnam War, and the current conflicts in Afghanistan and Iraq.¹⁰

According to estimates, over 660,000 veterans naturalized through military service between 1862 and 2000.¹¹ As the report details later on, this figure almost certainly underrepresents the total number of noncitizen veterans, as fewer than half of all noncitizen servicemembers today in fact naturalize through military service.¹²

As a cohort, noncitizen veterans not only keep pace with, but also in fact outperform their U.S. citizen counterparts in some respects. For instance, noncitizen servicemembers have consistently lower attrition rates over the three-month, three-year, and four-year marks than citizen recruits.¹³

By the numbers

Today, nearly 23 million noncitizen individuals reside in the U.S.,¹⁴ close to 3 million of whom live in Texas.¹⁵ Veterans comprise a similarly-sized cohort: nearly 22 million veterans live in the U.S., and almost 2 million call Texas home.¹⁶

From 1999 to 2010 — in just over a decade — 80,000 noncitizen individuals enlisted in the U.S. military.¹⁷ However within roughly the same time frame, just 53,000 of those servicemembers naturalized to become U.S. citizens through their service.¹⁸ Toward the end of this period, in 2009, there were roughly 14,508 noncitizen servicemembers in the U.S. military serving on active duty.¹⁹ And as of 2015, there were over half a million veterans nationwide who were foreign-born—either noncitizens or naturalized U.S. citizens.²⁰

In terms of both current servicemembers and veterans, Mexico, the Philippines, and Jamaica top the list of countries of origin for noncitizen individuals.²¹

Efrain Peralta



Efrain Peralta came to the United States at age two, when his mother married his stepfather. Like so many other young boys across the country, Peralta grew up with dreams of sporting a camouflage uniform and defending his country. It was thus no surprise that later, when he saw the movie “Full Metal Jacket,” he knew that he would enlist as soon as he graduated from school. He planned to serve his country until retirement, and then to work for the U.S. Postal Service.

Just five years into his service, however, he learned that his father was terminally ill. As the eldest sibling of the family, and knowing the family had no income without his father, Peralta realized he would have to move home to help provide for them. Since he couldn’t transfer to a position in El Paso, Texas, where his father lived, Peralta instead applied for a hardship discharge, which would allow him six months leave. Unfortunately, by the time he received the leave, his father had already passed; nonetheless, Peralta’s unit told him that he would have to wait out to the six months before he could return to service.

In those brief six months, Peralta’s life changed forever. Temporarily without military income, he began driving trucks, which was what his father had done and what many in El Paso did for work. Partway through his leave, Peralta was charged with possession and intent to distribute marijuana. He was convicted, sent to serve 16 months in prison, and later deported to Mexico.

Many of Peralta’s friends and family had told him that he wouldn’t last a month in Juarez. But, determined to prove them wrong, Peralta committed himself to surviving in his new life in Mexico. The first year, he recalls, was the hardest. He worked a construction job, but brought home just \$60 a week at most. He moved from job to job, and eventually found work at a call center. There, he

quickly rose in rank, and eventually gained a position as an operations manager for the center. While ordinarily a promotion brings good news, in Juarez, Peralta explains, this was actually a dangerous move, as anyone with a decent-paying job at the time would become a target for kidnapping or being sought for ransom.

Today, Peralta continues to live in fear, and he remains isolated from his family, who he hasn’t seen in 13 years.

“Yes, I was born in Mexico,” he says, “but if you ask me, deep inside, I’m an American. And that’s how I feel. I’ve always felt that way and that’s how I’ll always feel, whether I get to go back or not.”

Frank de la Cruz



Frank de la Cruz came to the United States as a young boy with his family in 1978. His father had hopes of providing a better future for his children; the family arrived legally and settled in El Paso, Texas. De La Cruz graduated from high school, and joined the Navy, as he says, “out of pride” for his country. Unable to afford higher education, the military also offered De La Cruz a way to serve his country, receive unparalleled training, and pursue a higher degree post-discharge. Following an honorable discharge, De La Cruz even went on to serve in the Army National Guard for an additional two and a half years. Between his two enlistments, De La Cruz worked part-time at his local Department of Veterans Affairs office, and attended school to earn a certification as a registered refrigeration technician. In that time, he and his wife had their first child.

Recounting his service in the Navy during the Persian Gulf War, De La Cruz says he spent most of his days at sea underneath the hull of a ship. He had little first-hand knowledge of what was actually going on above him, and could only hear bombs dropping above him. He remembers that all that he and the crew could do was pray. It wasn't until the end of any 12-hour shift that he and the crew could go above board to see what was happening. Oftentimes, all they saw even then were burning platforms in the distance. De La Cruz remembers living day to day never knowing what would—or could—happen at any moment.

To cope with their anxiety, De La Cruz and the crew would drink whenever they docked and went ashore. When they returned from service, their anxiety—and the excessive drinking culture that went with it—seeped into civilian life.

De La Cruz knew that he and his fellow veterans were caught in a dangerous cycle of using alcohol to cope

with their anxiety. Unfortunately, however, when he was eventually convicted of a third DWI and was unable to afford an attorney, he was deported to Mexico. He comments that today, veterans have access to hotlines, counselors, and other resources. But before, he explains, “we had no help.” Substance abuse simply hadn't been identified as an issue affecting veterans.

De La Cruz recalls that at the beginning, his deportation was especially hard because he didn't know anyone in Mexico aside from an uncle he had never met. His wife would bring him clothes and groceries, but she ultimately had to remain in the U.S. to care for their three children. Now, the family visits him most weekends, but even when they do, they must lock the gates and stay inside the house, as De La Cruz fears for their—and even his own—safety. He hasn't seen his mother and father in years, and has missed nearly every major family milestone since his deportation.

When his wife asks him why he can't simply adjust to life in Mexico, De La Cruz responds simply: “this isn't my life.” He says he “can't imagine living anywhere [other]” than the U.S., and remains hopeful that one day he will be able to return to the U.S. and his family once again.

Legal framework

Today, immigration law and policy present noncitizen individuals who serve in the military both with great opportunity to solidify their immigration status in the U.S., and—ironically—with great danger that they may one day face deportation from the country they served. On the one hand, this legal framework allows noncitizen recruits the opportunity to expedite their naturalization through military service. At the same time, however, current law and policy neither guarantee that recruits will actually naturalize, nor provide any special protection whatsoever for veterans who may become subject to deportation post-service.

Immigration law and policy governing military service:

Noncitizen individuals have a few key options for joining the military. As a general rule, immigrants and certain nonimmigrants may serve in the military, but undocumented individuals may not.²² The military offers service opportunities to three main categories of noncitizens: (1) Legal Permanent Residents (LPRs), who have a Permanent Resident Card, or “green card”; (2) Nationals of the Marshall Islands, the Federated States of Micronesia, and Palau; and (3) certain individuals determined to be “vital to the national interest.”²³

Under this last provision, for example, the government introduced in 2009 the Military Accessions Vital to the National Interest (MAVNI) program, which allowed even nonimmigrant individuals—such as temporary visa holders and Deferred Action for Childhood Arrivals (DACA) recipients—to join the service. The program recruited specifically for certain health care professionals and individuals with special language skills and cultural backgrounds.²⁴

The military does not currently allow noncitizens with no immigration status to serve in the military. However, undocumented immigrants are required to register with the Selective Service System, which makes them eligible for conscription to the U.S. military.

Once enlisted, noncitizen recruits have the opportunity to apply for expedited naturalization through the military. The Immigration and Nationality Act of 1965 (INA), the nation’s principal immigration statute, provides two specific avenues for noncitizen servicemembers to naturalize:²⁵

- ▶ INA Section 328, which allows noncitizen servicemembers to apply for naturalization during peacetime after one year of honorable service.²⁶
- ▶ INA Section 329, which allows noncitizen servicemembers to apply for naturalization during periods of hostility after one day of honorable service.²⁷

As mentioned previously, the U.S. is currently in a period of hostility, running from September 11, 2001 through to today, with no sign of abatement.²⁸ Noncitizen recruits today, therefore, may qualify for naturalization after just one day of honorable service, as provided by Section 329 of the INA.

In addition to these two general provisions allowing for naturalization during service, all four main branches of the military—the Army, Navy, Air Force, and Marines Corps—also have a program designed specifically to further streamline the naturalization process: the Naturalization at Basic Training Initiative.²⁹ The program allows a noncitizen recruit to submit an application for naturalization (commonly known as form N-400) at the start of basic training, and complete the biometric and interview portions of the naturalization process during training.³⁰ The recruit may even take the oath of citizenship by the end of basic training, allowing him or her to complete the naturalization process, start to finish, within about 10 weeks.

Immigration law and policy governing deportation:

Post-service, noncitizen veterans, like their U.S. citizen counterparts, sometimes commit crimes. As discussed in further detail later in this report, these crimes often tragically stem from an underlying mental illness or substance abuse challenge that is ultimately connected in some way to the veteran’s military service.

When noncitizen veterans, like other noncitizen individuals, commit certain kinds of crimes in the U.S., they may—in addition to serving their sentence time—also become subject to deportation. In effect, this functions as a double punishment of noncitizen offenders: while U.S. citizens are punished by the terms of whatever sentence is imposed on them, noncitizens complete the terms of their criminal sentence, and then are additionally “punished” by being uprooted and potentially deported from the country, regardless of how long they have lived here or how little they know or have lived in the country to which they are deported.

Applicable laws provide two different removal procedures for two different categories of noncitizen individuals: (1) those without lawful status—for example, for veterans who were undocumented and drafted to service, or for those who may have served while lawfully present, but thereafter either did not or could not renew their Permanent Residency Card or temporary visa; and (2) those with lawful status—for example, for veterans with a current, valid Permanent Residency Card or temporary visa.

Those without lawful status remain eligible for removal regardless of whether or not they also commit a crime while within the U.S. The INA outlines the procedure for this—an “administrative removal”—which allows the Department of Homeland Security, rather than an immigration judge, to issue a removal order.³¹

Those with lawful status have slightly greater protection from deportation, as they must commit a crime or crimes before they also become eligible for removal. The INA identifies several categories or “classes” of crimes that render an individual subject to removal:

- ▶ Violent crimes. Some of these classes cover violent crimes, crimes that are egregious and that pose a clear and present danger to the community. For example, they include crimes of domestic violence, stalking, or violation of protective order, [and] crimes against children,³² and trafficking.³³ These are crimes, further, for which deportation makes sense; deportation provides a practical and appropriate way to remove from the community an individual who has chosen to endanger the health or safety of others.

▶ Nonviolent crimes. Some of these classes, however, include nonviolent crimes, crimes that are mild and that pose no threat to others in the community. Perhaps most notably, they include crimes involving controlled substances,³⁴ including possession of marijuana.³⁵ Importantly, these are crimes for which deportation serves little if any purpose; deportation for these crimes serves instead as a disproportionately harsh response to a relatively minor offense, a clear example of a punishment that does not fit the crime.

▶ Finally, some others of these classes of crimes that render an individual subject to removal are incredibly vague. These include multiple “crimes involving moral turpitude;”³⁶ multiple criminal convictions;³⁷ and “aggravated felonies.”³⁸ Importantly, these classes are broad, and their immigration consequences severe.

A “crime involving moral turpitude” (CIMT), for example, is a term defined not by federal statute, but by case law. U.S. Citizenship and Immigration Services describe a CIMT generally as a crime that is “inherently base, vile, or depraved,” “contrary to the accepted rules of morality and the duties owed between persons or to society in general.”³⁹ CIMTs in Texas range from the very violent—for example, murder, robbery, and kidnapping—to the obviously nonviolent—for example, perjury, theft, and credit or debit card abuse.⁴⁰

Individuals who commit a CIMT become eligible for removal if they either (a) commit the crime within five years of entering the U.S. and the crime carries a potential sentence of at least one year or more, or (b) commit two or more CIMTs that did not arise from the same incident.⁴¹

An “aggravated felony” is similarly vague, and another term of art under federal immigration law. Counterintuitively, crimes labeled an “aggravated felony” in fact do not need to be either “aggravated” or a “felony” under federal criminal law or the criminal law of the state where the crime is committed. In practice, “aggravated felonies” actually include both felonies and misdemeanors, and both violent and nonviolent crimes.

All total, aggravated felonies for immigration purposes include more than thirty different offenses—which each serve as umbrellas for potentially dozens of unique offenses.⁴² The list of aggravated felonies, like that of CIMTs, ranges from major crimes like murder⁴³ and trafficking,⁴⁴ to minor offenses like theft.⁴⁵

The list also encompasses even “an attempt or conspiracy to commit an offense identified in this section,”⁴⁶ which broadens its scope even further. Importantly, and as discussed in more detail below, aggravated felonies include offenses not only at the federal level, but at the state level as well.⁴⁷

To illustrate the arbitrary sweep that CIMTs and aggravated felonies make across state and federal law, consider perjury and drug possession. Perjury, for example, is a non-violent crime that is a non-aggravated offense under Texas state law for criminal purposes, but a crime involving moral turpitude, and, in some cases, also an aggravated felony under federal law for immigration purposes.⁴⁸ Likewise, possession of a controlled substance, which may be only a misdemeanor under state law, may be considered either (1) an aggravated felony, for more than one offense and with certain circumstances, or (2) a crime involving moral turpitude, as

it is a crime “relating to a controlled substance.”⁴⁹ The public policy implications for Texas of some of the inconsistencies between federal and criminal law are discussed below in this report.

Finally, while an aggravated felony conviction has several potential immigration consequences, almost all lead ultimately to deportation.⁵⁰ Worse, some 23 countries—including Algeria, Libya, Somalia, Zimbabwe, Iraq, Iran, Afghanistan, and China—refuse to repatriate individuals deported from the U.S.⁵¹ This often forces immigration officials to hold deportees in detention centers past their removal order, and, because the government cannot hold detainees indefinitely, eventually release them back into the community.⁵²

Increased importance in Texas today

Again, and to be clear, immigration law provides no special protection for veterans facing deportation. The gravity of this fact grows even greater in view of the broader trajectory of immigration law and policy. In less than a year, the current administration has exponentially increased immigration enforcement efforts; and even before this past year, Texas has harbored an expansive and oppressive penal code that makes even minor state offenses qualify under federal law as deportable crimes.

Increased immigration enforcement efforts:

U.S. enforcement agencies themselves have recognized that they do not have enough resources to detain and deport every individual eligible for removal under current immigration laws. To address this situation, the Department of Homeland Security (DHS) under President Obama’s administration issued guidance that directed its sub-agencies—namely, Customs and Immigration Enforcement (ICE), Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS)—to exercise “prosecutorial discretion” to focus their limited resources on “enforcement priorities.” DHS created three priority areas that would assist these agencies in using enforcement efforts first and foremost on those who pose “threats to national security, border security, and public safety,” and only secondarily on those who have committed other or older criminal offenses or immigration violations.⁵³

On January 25, 2017, President Trump issued an executive order that explicitly revoked the “Priority Enforcement Program” created in the previous administration.⁵⁴ The executive order aims generally to “enhance” national security and public safety by “direct[ing] executive departments and agencies...to employ all lawful means to enforce the immigration laws of the United States.”⁵⁵ The policy directs these agencies and departments to use “all available systems and resources” against “all removable aliens” to enforce these immigration laws.⁵⁶ It thus replaces the “Priority Enforcement Program” with direction to enforce immigration laws against anyone and everyone eligible for removal, including those who has been convicted of, been charged with, or committed acts that constitute a criminal offense, or who may “otherwise pose a risk to public safety or national security.”⁵⁷ In short, the executive order dramatically broadens the scope of people that the federal government may target for enforcement efforts

Already, the federal government has made Texas a particular target for these enforcement efforts. In early 2017, ICE conducted a four-day raid in Austin, Texas, in which federal agents arrested 51 people, 28 of whom had no criminal record.⁵⁸ This made Austin the number one city in the nation for the percentage of immigrants with no criminal record arrested in an ICE operation.⁵⁹

Expansive and oppressive state laws:

Even before this latest expansion of immigration policy, the federal government had laws in place designed to lead to deportation. As noted above, the INA's list of deportable offenses consists of a lengthy amalgamation of both violent (such as murder) and nonviolent (such as drug possession) crimes. It even involves status crimes, such as a provision under the section detailing "controlled substances" that makes "any alien who is, or at any time after admission has been, a drug abuser or addict" deportable.⁶⁰

Also as noted previously, crimes involving moral turpitude (CIMTs) and aggravated felonies—which both carry severe immigration consequences—encompass not only federal crimes, but also substantially similar state crimes. Much like the INA's list of deportable crimes, the Texas list of comparable crimes constitutes an overly broad array of offenses, in terms of both number and severity. All in all, Texas has at least 82 crimes that can or may be classified as either a CIMT or aggravated felony.⁶¹ Moreover, those crimes range from the very violent—murder, kidnapping, and robbery—to the obviously nonviolent: bribery, perjury, welfare fraud, insurance fraud, failure to identify, trademark counterfeiting, gambling promotion, credit card or debit card abuse, and burglary of a coin operated machine.⁶²

In brief, the Texas Penal Code does little, if anything, to depart from the draconian scope of deportable offenses at the federal level; it may even broaden the range of crimes that make an individual eligible for deportation. For a state with a history rife with anti-immigrant and "tough on crime" policies, which has swung even further toward more nationalist policies since the 2016 election, the danger that the state legislature may expand the number of deportable offenses is high—making the need for reform of the state penal code all the more important.

Institutional Discrimination Against Noncitizen Veterans Fails to Fully Respect Their Basic Civil and Human Rights

Deporting noncitizen veterans fails to respect individuals' rights to make a fully informed and voluntary decision to enlist and serve in the military

Noncitizen individuals sometimes enlist and serve in the military under misconceptions about the opportunity to naturalize. As detailed by many of the deported veterans we interviewed, some noncitizen servicemembers, for example, misinterpret taking the oath of service as taking the oath of citizenship.⁶³ Similarly, noncitizen recruits often receive incorrect or incomplete information regarding their options to become U.S. citizens through military service.⁶⁴

A look at recruitment materials for the three main branches of the military show that the military does not require recruiters to provide much, if any, information to potential noncitizen recruits:

- ▶ Neither the Army nor the Air Force recruitment manuals contain information regarding naturalization options for noncitizen recruits.⁶⁵
- ▶ The Navy recruitment manual is more detailed, but still brief, stating simply that “non U.S. citizen applicants (permanent resident aliens) shall be briefed about the expeditious processing of requests to become naturalized citizens with the United States Citizenship and Immigration Services (USCIS) that results from service in the U.S. military.” It goes on to say, however, that noncitizen servicemembers may naturalize after one year of service—which is true, but also only one option for naturalization through service. As noted above, noncitizen servicemembers need one year of service to naturalize during peacetime, but only one day of service during periods of hostility, which we are currently experiencing. Finally, the recruitment manual ends the provision by noting that “there is currently no requirement for a Navy service member to become naturalized for retention or continued service”—which again is true, but also likely not the best takeaway for recruiters.⁶⁶

Failing to take proactive measures to assist noncitizen recruits with naturalizing during service is especially egregious in light of the fact that the military actively recruits for and relies on the medical, lingual, and cultural skills that many noncitizens recruits bring to the service. In fact, under the MAVNI program, discussed above, the military actually requires that recruits to the program submit an application for naturalization upon enlistment.⁶⁷

Within the last year, and despite these requirements, the Department of Defense (DoD) and U.S. Citizenship and Immigration Services (USCIS) have added onerous, likely

Hector Moreno

Hector Moreno grew up working with his family in the fields across the United States. His parents first immigrated to the U.S., and, once they had established a stable life there, brought their children to the U.S. to join them. Since he was eight years old, Moreno worked alongside his family as they traveled the country for farm work. Later on, and after earning his GED, he eventually returned to settle permanently in El Paso, Texas. There, and not long after arriving, he was drafted to serve in the Vietnam War.

Upon arrival, Moreno was told that he would gain citizenship through his military service, and that the process for doing so would be automatic. He even asked several of his superiors about the citizenship process, and they assured him that it had already been taken care of for him. At the time, he felt he had no reason to question them.

Moreno was drafted for one tour to Vietnam, and served a second when he asked if he could return. After an honorable discharge, he began to readjust to civilian life again in South Texas. Unfortunately, that readjustment didn't come easily for him then, and even today, he still

has nightmares about the war.

After a prison term, Moreno found out—on the day of his release—that he wasn't a U.S. citizen, and that he would be deported immediately to Mexico. Moreno spoke no Spanish, and has struggled since his deportation in 2001 to start over in his new life outside the U.S.

In prison, Moreno had begun preaching, and even received a Masters of Divinity. Little had he known at the time how much his calling would later save him one day. When he first arrived in Mexico, he recalls, it wasn't easy—Moreno preached in plazas, on buses, and in the streets. A woman he met, who would later become his wife, helped to translate his messages from English to Spanish. Soon thereafter, Moreno began receiving requests for him to preach at conferences, at different rehabilitation facilities, and at local churches.

Despite his unique work, however, Moreno and his wife barely make ends meet, and Moreno hasn't spoken to the family he left behind in the U.S. in over 11 years.

Jose Bustillos

Jose Bustillos came to the United States as a young boy to join his father, a U.S. citizen, once Bustillos and his other family members received their Legal Permanent Resident cards. Like many others living along the border, Bustillos' father was a migrant farmworker, so he had spent the summers working in Arizona and the off seasons living in El Paso, Texas. Bustillos remembers growing up and going to school in South Texas, where the family lived before he enlisted.

Like most Vietnam era veterans, Bustillos speaks humbly of his time during war. Even now, 45 years later, he remembers hearing President Kennedy's question—"Ask not what your country can do for you, but what you can do for your country"—and taking it to heart, exclaiming, "That's me!"

After his service as a mechanic in the Vietnam War, Bustillos returned to El Paso. Initially, he worked for the railroad, and then later became a truck driver, a job which he kept for the next 20 years. He also had two daughters. When he was arrested and deported for transporting

marijuana, Bustillos didn't even realize initially that he could be deported. During service, it was considered common knowledge that recruits earned their citizenship by taking the military oath to serve and protect the U.S.

Since his deportation, living in Juarez hasn't been easy for Bustillos. When he arrived, he knew no one except for a family friend—a Korean War veteran—who was doing humanitarian work in the city and offered Bustillos a place to stay. Bustillos considers himself lucky—"I had a roof over my head. I had a hot meal two to three times a day. I can't complain."

Since his deportation, however, Bustillos doesn't go outside after five in the afternoon, for fear of the violence that surrounds him. He has been unable to find work, and has had to rely solely on the money his family sends him to survive. He also hasn't seen his family, all of whom live in the U.S., since his deportation. His daughter, who was about six when he left, is now 26. He wishes only that the U.S. would allow him a way to visit his family.

Isidro Tovar



Isidro Tovar came to the United States in middle school, “out of necessity,” as he recalls; “we needed to eat, and I needed to find my dad.” In Mexico, he and his family hadn’t seen his father in three years, and Tovar eventually realized that he would need to step up and provide for his mother and siblings. After finding his father, Tovar enrolled in school, and, several years later, enlisted in the Army. There, he served for seven years, opting not to extend his service only when he received orders to Belgium, as by that time he had had a one-year-old son. Once his son was older, Tovar reenlisted, this second time for a term in the Army National Guard.

Adjusting to civilian life wasn’t easy for Tovar. He secured a job working in food production, where he worked for 20 years, first as a general foreman and later as a production superintendent. But his personal life suffered. In the years following service, he drank excessively, which led him to two DUI arrests. At the time, he says, he “didn’t think to ask for help.”

Some years later, Tovar was apprehended by immigration agents. Tovar remembers vividly the immigration judge assigned to his case, who actually stepped down from the bench to hug him. The judge even took the time to reprimand the prosecution for failing to look at Tovar’s military background before deciding to prosecute him. The judge released Tovar to return home, a return which was, unfortunately, short-lived since Tovar had a DUI record that made deportation mandatory.

Today in Mexico, Tovar now lives without access to the social security he would have received, without the family and home he created for himself over the past 30 years, and without a stable income. Meanwhile, he now lives, too, in a city where he has been shot at, robbed at gunpoint, and judged because he doesn’t speak Spanish like the locals do. Fortunately, Tovar still loves the Army,

and, perhaps ironically, it is his Army background that has allowed him to survive so far. He even laughs a little about the temper he acquired as a sergeant, explaining that it is the reason that he was able to stand firm against gang and cartel members when they confronted him several years ago.

Today, Tovar says that he is doing alright, that he is surviving. But, he says, referring to the other side of the border, **“my heart is over there, my home is over there, I served over there.”** He also shares a saying that he and other deported veterans have: **“They don’t want us in the States and they don’t want us in Mexico. They don’t. They don’t like us.”** Ultimately, he feels left behind. As he explains, **“according to our motto, we don’t leave [anybody] behind...But it seems to me that they left us behind.”**

unconstitutional requirements for completing the naturalization process through military service.⁶⁸ Recently, the military even began cancelling many of these recruits' enlistment contracts, often leaving them without lawful immigration status, and therefore at risk of deportation.⁶⁹

In response, several MAVNI recruits to the Selected Reserve filed suit against DoD, DHS, and USCIS, requesting that the court prevent the agencies from (1) continuing to put MAVNI members' naturalization applications on hold, and (2) revisiting, retroactively, the requirements for issuing these members the certification form needed to submit a naturalization application.⁷⁰ The court denied the MAVNI recruits' motion for preliminary injunction, but the case remains pending at the time of writing.⁷¹

With such significant failures at even these earliest stages of a servicemember's military career, and sudden policy changes like that in the litigation just described, it is unsurprising that many noncitizen recruits fail to naturalize through service. Ultimately, less than half (43.8%) of noncitizen servicemembers naturalize while on active duty.⁷²

Deporting noncitizen veterans fails to respect individuals' rights to adequate health care and critical support services

Noncitizen veterans who get deported effectively lose access to Department of Veterans Affairs (VA) health care services. While the law allows deported individuals to continue to seek these services, the only way these individuals can actually receive the care is to visit a brick-and-mortar VA clinic or hospital. Doing so, however, would require them to re-enter the U.S. illegally.

For an approximate idea of the number of people potentially affected by this rule, we can look to the VA's data on the number of veterans residing in a foreign country. Of the estimated 108,666 veterans residing outside the U.S., 27,526—or about a quarter—receive disability compensation from the VA.⁷³ Of course, not all of these individuals necessarily receive regular VA health care services for their compensated disability, nor do all necessarily reside outside the U.S. because of a deportation. Even considering these factors, the figure is reasonably reflective of a potentially significant pool of people who remain prevented from receiving VA health care services for a service-connected disability.

In addition to specific VA services, deported individuals also lose access to more general networks of support services, such as non-VA treatment and counseling, veterans support groups, and their family, friends, and home communities. This takes individuals who often already live in a precarious position of physical or mental health, and cuts them off from critical family and community lifelines.

Institutional Discrimination Against Noncitizen Veterans Fails to Either Reduce Crime or Enhance Safety and Security

Deporting noncitizen veterans fails to target immigration enforcement efforts on those who pose the greatest threat to national security and public safety

As mentioned above, two key factors concerning immigration law and policy have made veteran deportations particularly concerning in Texas today. The first is the federal government's increased immigration enforcement efforts—notably, President Trump's replacement of the Obama-era “priority enforcement program” with an executive order that dramatically broadens the scope of people that the federal government may target for enforcement efforts. The second factor is the Texas government's expansive and oppressive state laws that do little, if anything, to depart from the already draconian scope of deportable offenses at the federal level.

Taken together, these factors create a system in which the government (1) targets higher numbers of people in a more haphazard manner, and (2) does so while relying on a patchwork of state laws that render both major and minor, and both violent and nonviolent crimes deportable offenses.

At best, this system is wildly inefficient. It scatters immigration enforcement efforts across pursuing both those who commit the most dangerous, egregious crimes and those who do not pose nearly the same level of threat to the community. For the same reasons, the system is also grossly inconsistent. It sweeps together drug cartel members and human traffickers with those who may have done no more than cross an international border, and exerts the same deportation effort on both. Put together, this enforcement effort and patchwork of state laws combine to create a system in which deportation is the default, regardless of the severity of the offense; it is a system in which the punishment fails to fit the crime.

Additionally, and importantly, the system fails to resolve the underlying problem that current immigration laws make more people eligible for removal than the government has resources to actually detain and deport. And, rather than resolve the issue, it may even make matters worse.

For example, the 2017 executive order calls on DHS to hire more agents to fulfill the apprehension and detention stages of removal, but does not make the same call for the addition of personnel responsible for the judicial proceeding phases of removal. As discussed in more detail below, immigration courts already receive far more immigration matters than they can address each year; adding scores of people to court dockets only forces those individuals to remain in detention longer than they already must.

Included in this scattered sweep of enforcement efforts are noncitizen veterans, who like many of the veterans we interviewed, often face deportation not for violent or dangerous crimes, but for drug or alcohol-related offenses.⁷⁴ All in all, deporting noncitizen veterans not only fails to target immigration enforcement efforts on those who pose the greatest threat to national security and public safety, but also in fact detracts from the government's ability to remove those who do. It is an inefficient and ineffective practice that in the end harms both the veterans who fall victim to it and the communities in which they live.

Deporting noncitizen veterans fails to address the root causes of criminal activity, and therefore fails also to actually reduce crime

Some veterans who enter the criminal justice system do so because of an underlying and untreated mental health condition acquired during service, which in turn leads some toward substance abuse and in some cases criminal activity. For example, a veteran suffering from Post-Traumatic Stress Disorder (PTSD) may turn to drugs to try to cope with the PTSD, which without more might itself be a crime—possession of a controlled substance. More specifically:

- ▶ There is a high correlation between military service and mental illness. Already in 2008, more than 1 in 4 recently returning servicemembers may have had mental health conditions.⁷⁵ Likewise in 2016, nearly 1 in 3 (156,982⁷⁶ of 479,814⁷⁷) veterans in Texas enrolled with the VA had a service-connected mental health condition. And currently, 1 in 5 (918,591 of 4.44 million) veterans nationwide receiving VA disability compensation are receiving that compensation specifically for PTSD.⁷⁸
- ▶ There is a high correlation between mental illness and substance abuse. In veterans, there is a particular correlation, for example, between Post Traumatic Stress Disorder (PTSD) and Substance Use Disorder (SUD).⁷⁹
- ▶ There is a high correlation between substance abuse and crime. One study identified substance abuse as a significant risk factor for crimes of violence.⁸⁰

Deporting noncitizen veterans, however, deprives them of the opportunity for mental health and substance abuse treatment and counseling. Left untreated, these conditions can lead to recidivism rather than rehabilitation, the result of which ultimately harms both these individuals and the community they re-enter.

Additionally, there exist better, more effective avenues for addressing veteran-specific crime, such as Veterans Treatment Courts (VTCs). Judge Robert T. Russell established the first of these in 2008 in New York, which he modeled after Drug Treatment Courts and Mental Health Treatment Courts.⁸¹ VTCs serve as a forum for connecting veterans who enter the criminal justice system with counseling and other resources to help address some of the substance abuse and mental health issues that many veterans face, often as a result of their military service.⁸² Many VTCs use a system of sanctions and incentives—for example, removing a charge or dismissing a case—to help veterans move through, and eventually complete, or “graduate,” from the program.⁸³ The program can take veterans between a year and a year and a half to graduate.⁸⁴

VTCs have generally been cited as a good way to reduce recidivism.⁸⁵ In fact, veterans who graduate from VTCs generally do not commit subsequent crimes for at least two years post-graduation; as of 2011, 75% of veterans who completed a VTC program did not experience re-arrest for two years following graduation.⁸⁶

As summarized by Judge Robert T. Russell, founder of the first VTC, established in New York in 2008:

“Veterans Treatment Courts can stem this tide by intervening the moment veterans come into contact with the criminal justice system. By identifying the veterans upon arrest, their needs can be assessed and a treatment plan can be developed. A collaborative approach to treatment that focuses on supervision of the veteran throughout the process can reduce recidivism, thereby reducing long-term costs for taxpayers and increasing public safety, while helping our veterans lead sober, healthy, and productive lives.”

Texas has approximately 26 VTCs.⁸⁸ The VTC in Hidalgo County, in South Texas, for example, has a similar structure to that of the Judge Russell’s original model. In this VTC in Texas, the judge—a veteran himself—presides over about a dozen volunteer “panel” members, who assist veterans in the court with services such as individual and group counseling for substance abuse and mental health issues, obtaining VA benefits, seeking education and employment opportunities, and peer-to-peer mentoring and other support services.⁸⁹ The VTC accepts veterans based primarily on their need for treatment, and typically provides a six-month program for veterans charged with a misdemeanor, and a twelve-month program for those facing a felony charge or conviction.⁹⁰ On average, the VTC serves between 20 and 30 veterans each month.⁹¹ The program has run since 2011, and at least one graduate has even returned to serve as a peer mentor for veterans in the program.⁹²

Institutional Discrimination Against Noncitizen Veterans Wastes Taxpayer Money and Harms the Economy

Deporting noncitizen veterans misuses state and federal resources

Deporting noncitizen veterans costs significant financial and human resources. Noncitizen veterans who commit a crime and become subject to deportation are “punished twice”—once when they are incarcerated, and once when they are deported—and both require state and federal resources.

While there is unfortunately little data comparing veteran to non-veteran deportations, there does exist ample information about deportations more generally. Deporting a single individual costs tens of thousands of dollars. ICE claims it spent \$10,854 per person per deportation in 2016, which covered the cost of every phase of the deportation process: apprehension, detention, legal processing, and transportation.⁹³ Other estimates, however, have put the cost of deportation much higher—as much as \$23,000 per deportation.⁹⁴ All in all, detention on its own cost nearly \$2 billion in 2015.⁹⁵

In Texas specifically, the Texas Department of Criminal Justice (TDCJ) transferred eight incarcerated noncitizen veterans to ICE by way of an immigration hold or immigration detainer in 2016.⁹⁶ As of June 30, 2017, there were 34 noncitizen veterans incarcerated with TDCJ.⁹⁷

Thus, assuming a cost somewhere between \$10,854 and \$23,000 per deportation, as noted above, it would have cost anywhere between \$86,832 and \$184,000 to deport just the eight veterans transferred from TDCJ to ICE in 2016. Were the 34 veterans currently incarcerated with TDCJ likewise transferred to ICE and put into removal proceedings, it would cost anywhere between \$369,036 and \$782,000 to deport those individuals.

Importantly, this is not a purely federal effort or expense. DHS and its sub-agencies rely significantly on states to assist in deportation efforts. One of the most common tools the federal government uses, for example, are Inter-Governmental Service Agreements (IGSAs), which allow the federal government to essentially rent out space in state and local jail and prison facilities to hold detainees. While IGSAs sometimes create additional income for states and localities, they often do not lead to full reimbursement, since these entities must cover the cost of detention regardless of the amount of funding the state or locality receives under the IGSA contract.⁹⁸

Texas tops the list for the amount of resources spent on detention and removal proceedings:

▶ Texas has more detention facilities than any other state, including 2 ICE-operated detention facilities, 6 county or city-operated detention facilities, and 25 privately-operated detention facilities.⁹⁹

- ▶ Texas detains more immigrants than any other state, in absolute numbers.¹⁰⁰
- ▶ Texas has more immigration courts than any other state, which seat the second highest number of immigration judges of any state.¹⁰¹ In 2014, these judges received annual salaries of anywhere between \$125,542 and \$167,000.¹⁰²
- ▶ More removal proceedings take place in Texas than in any other state, which holds more than a fifth of all proceedings nationwide.¹⁰³
- ▶ And all in all, detention facilities in Texas alone costs taxpayers anywhere between \$63 and \$96 per detainee per day.¹⁰⁴

At the same time that deportation efforts already require an incredible amount of financial and human capital at both the state and federal level, current immigration laws make far more people eligible for removal than the nation has resources to detain and deport. Immigration courts located in Texas received a total of 61,607 immigration matters in 2016, but completed only 40,952—or about two-thirds—of those cases.¹⁰⁵ Thus to focus resources on those who do not pose a threat to national safety or security severely misuses limited resources.

Deporting noncitizen veterans causes Texas and the U.S. to lose financial and human resources

Perhaps ironically, at the same time that the government spends an enormous amount of resources on deporting noncitizen veterans, it also loses an invaluable source of human and financial capital that those veterans bring to their communities. While some veterans, like some deportees in general, face deportation for having committed a dangerous crime, many others face deportation for having convictions for much more minor, nonviolent crimes. Pairing this with the fact that veterans add both social and economic value to civilian life, considering a veteran's holistic contribution to the community might go a long way in deciding whether it is truly in the best interest for the individual and the community to deport the veteran.

For example, veterans as a cohort tend to be better educated and better employed than their civilian counterparts. Last year in Texas, veterans 25 years old and older were on average nearly 50% more likely than nonveterans to have completed some college or received an associate's degree. They were also more likely than nonveterans to have a bachelor's or higher degree.¹⁰⁶ Similarly, data from 2012 indicates that veterans across the U.S. have higher average annual and family income than nonveterans, and experience nearly half the rate of poverty.¹⁰⁷ In comparison even to other veterans, Texas veterans in particular have on average both higher rates of employment and, correspondingly, lower rates of unemployment, than veterans nationwide.¹⁰⁸

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Interestingly and importantly, not only do veterans tend to be highly employed, but they also tend to be highly entrepreneurial. In a 2017 report, Texas ranked second in the nation for both the greatest number of veteran-owned small business (213,590) and their amount in sales (\$109.9 billion).¹⁰⁹ In addition to the nearly \$110 billion in annual receipts that they generate for the state, veteran-owned businesses in Texas also employ over 400,000 people, and pay them over \$16 billion in salaries each year.¹¹⁰

As their entrepreneurial record may suggest, veterans comprise some of the most disciplined, hard-working, and loyal members of the community. They have already pledged to give more to the country than many civilians ever have or ever will, and deporting those veterans only causes the community to lose these incredibly valuable members.

Michael Evans

Michael Evans came to the United States at six months old following his father's passing. He grew up in and was later adopted by an English-speaking, Caucasian family in South Carolina where his mother worked as a live-in nanny. It wasn't until his final two years of high school that he moved back permanently to live with his biological mother in El Paso, Texas, where she had moved. There, he became involved with the "Buddy Program," and immediately following high school graduation, he enlisted in the Marine Corps. He even inspired a group of four of his closest friends to join as well. Like him, they had always liked the sharp dress and physical fitness that the Marine Corps demanded.

Because he was adopted by U.S. citizen parents as a young child, Evans grew up as a Legal Permanent Resident. Upon entering the military, he was told that he would be able to fast track the citizenship process because of his service. He was also told that it would be easiest to apply for naturalization at home, so the next time he visited El Paso, Evans started the naturalization process. There, however, he was told the opposite direction, that it would be best to apply where he was stationed. Growing frustrated with the conflicting information, Evans put the application process on hold. He was discharged honorably in 2000, after undergoing three knee surgeries in just four years.

Following his service, Evans found adjusting to civilian life demanding. He tried to balance both school and a job, but unfortunately fell into substance abuse. When admitted to the emergency room for an overdose, he realized, however, that he needed to turn things around.

He stopped using and selling drugs, and once again continued with his application for naturalization. A mere two weeks before taking the citizenship oath, Evans was arrested by FBI agents for a two-year-old crime. He understood the charge, pled guilty, and began to serve his prison sentence. When he was told he was at risk for deportation, he hired an attorney, but was eventually deported nonetheless.

With about \$80 to his name, a change of clothes, and a Spanish/English dictionary in hand, Evans was dropped off at the border. The only other thing he had were three words—"va por Juarez" (or, "go towards Juarez")—which his sister told him by phone to memorize. He remembers repeating those three words all the way to the bus station so that he could make sure to board the right bus to Juarez.

The past seven years haven't been easy for Evans. In his neighborhood, he has been jumped and harassed, and heard, "We are in Mexico—speak Spanish!" repeatedly. He has been stripped down in the middle of the street by police simply for having tattoos. He has lived on less than \$100 a week in an apartment with nothing more than an air mattress and two milk crates—one for sitting on and one for eating from. But, through it all, Evans has remained resilient. He has held a job for the seven years he has lived in Juarez. He has also begun work with the Juarez bunker, where he helps ease the transition for veterans like himself who find themselves deported. He remains hopeful that one day he will be able to return to his family and the country he so proudly served.

Conclusions and Recommendations

Current military programs and immigration laws and policies discriminate against noncitizen veterans, by subjecting them to disparate treatment compared to their citizen counterparts. This discrimination creates a social, economic, and moral disservice to both the veterans who served this country and the communities in which they live. Moreover, such treatment of men and women who have sacrificed themselves, to the point of being willing to give their lives for the country, raises additional serious moral and ethical concerns as a matter of public policy.

To work toward resolution of these issues, this report makes the following recommendations:

Finding (1): Institutional discrimination against noncitizen veterans fails to fully respect noncitizen veterans' basic civil and human rights

- ▶ Recommendation: Encourage all branches of the military to standardize and make mandatory their policies and procedures regarding noncitizen servicemembers, so that the military (1) provides, pre-enlistment, full and accurate information regarding opportunities to naturalize through service, (2) assigns a designated individual available in person to assist noncitizen servicemembers in completing the naturalization process, and (3) provides, at discharge, information about and instructions regarding naturalization opportunities post-service.
- ▶ Recommendation: Allow deported veterans parole to enter the U.S. to seek VA health care services.

Finding (2): Institutional discrimination against noncitizen veterans fails to either reduce crime or enhance safety and security

- ▶ Recommendation: Return to the “Priority Enforcement Program” or a similar program and narrow the scope of crimes that carry immigration consequences, so that responsible agencies may focus immigration enforcement efforts on only those who pose the greatest threat to national security and public safety; do not continue to deport noncitizen veterans for nonviolent crimes.
- ▶ Recommendation: Encourage Texas judicial districts to establish more Veterans Treatment Courts, and channel veterans to them for support services to reduce recidivism.

Finding (3): Institutional discrimination against noncitizen veterans wastes taxpayer money and harms the economy

- ▶ Recommendation: Allow Inter-Governmental Service Agreements between the federal government and city and county jails and prisons in Texas to expire, and do not renew those contracts or enter into new ones.
- ▶ Recommendation: Urge legislators to reform the INA so that it allows judges in removal proceedings special discretion to consider factors such as a veteran's military service and ties to the community.

In brief, reforming military and immigration law and policy would better assure that noncitizen servicemembers naturalize through service, and do not face later deportation. Making these reforms would (1) fully respect noncitizens' basic civil and human rights, (2) reduce crime and enhance safety and security, and (3) save taxpayer money and help the economy. In short, these reforms would serve as a win-win for both noncitizen veterans and the Texas communities in which they live.

The risk of failing to reform ultimately risks the strength of both our military and civilian communities. For the armed forces, noncitizen servicemembers bring medical, lingual, and cultural skills that U.S. citizens do not; they also consistently have longer-lasting military careers. For the Texas communities that noncitizen veterans re-enter post-service, they join ranks with their citizen counterparts to pursue and thrive in seeking education, employment, and entrepreneurial opportunities. In brief, we don't just want noncitizen individuals to continue to serve in the military and live in Texas communities; we need them to. Creating policy change would help assure that.

Ivan Ocon



Ivan Ocon came to the United States to live with his mother at age seven, legally. He “loved” the military and eagerly enlisted upon graduation from high school. He laughs as he remembers his Army enlistment: **“When I signed up, they asked me how long I wanted to serve. I told them indefinitely. They told me no, you can’t do that.”**

When recruiters told Ocon that he could gain full citizenship through service, he didn’t worry about the details. To be sure, however, he asked several times following enlistment if there was anything he needed to do to make his citizenship official. When later, following September 11th, 2001, Ocon learned he was scheduled to be deployed, following up about his citizenship fell down his list of priorities. When he learned during deployment that he would welcome a daughter just two months after his return, the task fell further down his list, and the military never mentioned it to him again.

Two years following an honorable discharge, however, Ocon was charged with aiding and abetting a kidnapping. He had known about a crime his brother had committed, but didn’t report it. He served nine years in prison, spending much of his time working at a factory that made uniforms for the U.S. Army—the same uniforms he had once worn proudly. He sent his money home to his daughter, and even earned an early release. After his prison term, Ocon spent an additional ten months in an ICE detention center. He contested the removal charge, but ultimately received a final order of deportation. ICE agents dropped Ocon off at the border and told him good luck. He had only \$900 to his name.

For fear of cartel recruitment, Ocon has never worked in the factories in Juarez, where he now resides. Instead, he has operated a leather business from his home, selling most of his work to family and friends in the U.S. Doing

so, he can make twice the weekly amount he would earn elsewhere doing leather work, and also avoid the violence of the city. Still, he brings home a mere \$100 a week, which is just enough for him to scrape by. He is also no longer able to help his daughter, now 14 years old, as much as he could even in prison when he could send her the money he earned making uniforms.

Ten years following his deportation, Ocon says now, “I can’t accept that I’m here. I was born here but I [have] never really been here.” The border with El Paso, Texas is less than 100 yards from his house, and he says that some nights he just sits outside and looks, still hopeful that he will be able to return one day. He shares that hope with others, too, as he helps his fellow deported veterans at the Juarez bunker file for VA benefits. While it cuts into his time for leather work, he says he enjoys it and that he does it because it is the right thing to do.

Jose Francisco Lopez



Jose Francisco Lopez came to the United States with his mother and brothers at age 15. The family settled in Wichita Falls, Texas. At just 23 years old, Lopez was drafted to serve in the Army for the Vietnam War. Like so many other young men at the time, he raised his right hand and pledged to serve his country. Unlike most new recruits, however, he didn't know what that pledge meant, since he spoke only Spanish. He turned to his Spanish-speaking comrades for guidance, and they assured him that his military service would grant him U.S. citizenship.

During his service, Lopez, along with his fellow soldiers, witnessed gross human rights abuses. In addition to the devastation they all experienced, Lopez faced the added difficulty of not speaking English. He recalls his superiors punishing him with physical requirements above and beyond those that they gave his fellow soldiers. His superiors claimed he was disobeying orders, and that he was trying to get out of his service obligation, "like Muhammed Ali," by saying that he didn't understand English. In truth, Lopez was simply unable to understand what was being asked of him. Lopez often felt helpless, and in order to cope, he and his fellow soldiers began to use drugs. Since the practice was commonplace during the war, they faced no reprimand for it.

Upon return from the war, Lopez supported a family of five with a variety of jobs, including work in construction and farming. Still, he struggled to cope with his anxiety, and continued—oftentimes with his fellow veterans—to use drugs. It didn't help that the closest VA hospital at the time was in Dallas, nearly 200 miles from his home in Wichita Falls. Lopez couldn't get the help he needed, and his drug use, which turned from marijuana to cocaine, continued.

In a police sting years later, police caught and charged Lopez with attempting to purchase drugs. He went to

prison, and while incarcerated, received notification detailing his deportation to Mexico. He didn't understand the notification, as **he thought that his military service had guaranteed his citizenship. He had expected to serve his time, get the help he needed, and return to his family.**

Following multiple failed attempts to receive legal assistance, Lopez was deported, at nearly age 60, to Mexico. To avoid the danger of the city, he spent his time inside his small home, trying to make what money he can by painting cars and furniture. Now, at age 73, however, he says he can't work like he used to, and that there have been times when he has had to resort to selling goods on the street. Years ago when he was in prison, his wife divorced him, and he hasn't seen his five U.S. citizen children in over 12 years, as they are afraid to cross the border to visit.

Today, Lopez fills his time running a bunker out of his home for deported veterans like himself. Much like the bunker that Hector Barajas runs for deported veterans in Tijuana, Mexico, the Juarez bunker now provides a place for deported veterans near Texas to go for help with questions, adjusting to life in Mexico, and otherwise finding their feet in a country that is foreign to them.

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