

The Honorable Zoe Lofgren
Chairwoman, Subcommittee on Immigration and Citizenship
House Judiciary Committee
U. S. House of Representatives
2141 Rayburn House Office Building
Washington, DC. 20515

Subj: Oversight of Immigrant Military Members and Veterans

Dear Chairwoman Lofgren and Members of Subcommittee on Immigration and Citizenship

Greetings. My name is Jan Allan Ruhman and I am a 75 year old Veteran who served honorably in the United States Marine Corps from late 1965 through early 1970. I reside in San Diego, CA. and retired as a Realtor in 2013 after 31 years. Additionally I am a Vietnam Veterans who served on the DMZ with the 1st AmTrak Battalion, 3rd Marine Division from Oct. 1966 thru May 1968.

The reason that I am writing to you is on behalf of Americas Deported Veterans, two words that never should belong together in the same sentence. Men and, now sadly, women who served this Nation, their adopted Country on fields of battle from the Vietnam War up to and including Iraq and Afghanistan. Highly decorated from all of America's wars with Combat Badges, Purple Hearts and Bronze Stars with the V for Valor that won't save them. Men who in 1996 began facing deportation for many minor crimes considered Misdemeanors at the state level but considered Aggravated Felonies in the eyes of the Illegal Immigration Reform and Responsibility Act (IIRRA). A Law that on its face appears to apply to Illegal Immigrants not Lawful Permanent Residents and certainly not Americas Veterans.

The first Veteran to face deportation in 1996 Appealed all the way up to the 9th Circuit Court of Appeals in Theagen v Gonzales on the grounds that as a U. S. Military Veteran he was a U. S. National. The 9th Circuits handed down its Ruling Stating: "We note with discomfort a Rule of Law that results in the Deportation of a former Honorably Discharged Member of the U. S. Armed Forces. It is however the role of Congress and not the Courts to make law". In response in 1996 Senator Patrick Leahy said: Not exact wording but close "The President and Congress wanting to appear tough on crime and on Immigrants have caught up a former member of the U. S. Armed Forces who served this nation honorably".

Yes they have run afoul of the law and have paid they debt to society just as hundreds and thousands of Veterans do each year after discharging from the Military but unlike their white Veteran counter parts who are released and given a 2nd, 3rd, 4th, etc. chance to start over they are held prior to release and are placed on an Immigration Hold by ICE picked-up and placed in another cell in an Immigration Prison and processed in an Immigration Court whose hands have been tied for Removal from the U.S. That is flat out wrong no matter how it's spun.

What's the solution? Members of both parties have spoken of changing the law but can't agree on proceeding. So now fast forward 26 years later in 2022 we finally have come to a juncture where they still can't agree with 50 page bills, 23 page bills, on down to a 3 page bill. Politics!

The solution is easy! If we really want to craft an equitable outcome and honor their sacrifices, commitment and service by doing what this nation should have done the moment they took the Oath of Enlistment, which closely mirrors the Oath of Citizenship and confer upon them the Status of U. S. Nationals a protected class. As it is it when they deploy overseas in our Status of Forces Agreement with other nations and cloak them in the cloth of U. S. National Status. **By Amending 8 U.S. Code 1101 (a) (22) that defines what a Citizen and a National of the United States is. By adding a simply worded addition Section 3. "The following shall be U. S. Nationals but not automatically Citizens. A person who by conscription or enlistment entered any branch of the United States Armed Forces. This shall be retroactive to service persons previously removed".**

Finally conferring upon them the honor that has been denied them in the 246 year history of the United States and acknowledge their contributions to our Nation as less than 1% of American Citizens do annually. Thank you in advance for your time and consideration.

Respectfully Yours

Jan A. Ruhman

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