



STATEMENT FOR THE RECORD

THE MILITARY OFFICERS ASSOCIATION OF AMERICA (MOAA)

before the

**House Judiciary Committee
Subcommittee on Immigration and Citizenship**

On

**The Impact of Current Immigration Policies on Service Members and Veterans, and
their Families**

October 29, 2019

CHAIRMAN LOFGREN AND RANKING MEMBER BUCK. On behalf of the Military Officers Association of America (MOAA), we are grateful for this opportunity to express our views and appreciate the subcommittee for hosting this hearing on the impact immigration policies have on our nation's servicemembers and their families.

MOAA does not receive any grants or contracts from the federal government.

We are truly grateful for your unwavering commitment to not just the men and women who defend our fine nation, but to their families as well.

Executive Summary

There have been many changes to Department of Homeland Security policy in recent years that impact the military and veteran population and their families. While some policy and rule changes may seem minor, the compounding effect it is having on our nation's military is substantial.

MOAA does not support any policy changes that fail to credit military service as a path to citizenship for servicemembers and their families. Our association is greatly concerned with the below issues impacting military families:

- Erosion of Parole in Place for military families
- Decline in military naturalizations
- Definition change of residency for military children overseas
- Public charge rule impact on veterans and their families
- Recruitment potential with the Dream Act of 2019
- Deportation of veterans without proper screening

Parole in Place for Military Families

Simply put, Parole in Place for military families makes an individual eligible for lawful permanent residency in the US, while also eliminating any legal grounds for deportation. This policy was implemented in order to reduce stress on military members, which impacts military preparedness, to minimize periods of family separation, and to continue supporting and caring for veterans and their families. In the 2016 memo, the Secretary of Homeland Security noted that policies outlined were intended to facilitate military morale, aid in efforts to recruit foreign nationals with critical skills, and to ensure that our nation is supporting its military personnel and their families.

In January 2017, President Trump signed executive order 13767 to increase border security and immigration enforcement. This EO requires paroling to be used only in a

case by case basis, rather than across the board; undermining Parole in Place for military families.

Earlier this summer, DHS announced a review of the Parole in Place for military families. A determination regarding the longevity of the policy was to be announced at the end of July. The U.S. Citizenship and Immigration Services (USCIS) website states Parole in Place for military families is a discretionary policy used on a case-by-case basis.

To preserve the policy for military families, MOAA joined several other organizations, including the American Immigration Lawyers Association (AILA), in sending a letter to Acting DHS Secretary Kevin McAleenan, Secretary of Defense Mark Esper, and Acting Director of USCIS Ken Cuccinelli opposing the removal of Parole in Place. The letter also highlights the importance of this policy to military readiness.

Recently, DHS announced the termination of two categorical Parole in Place programs (Filipino World War II veterans and Haitian Family Reunification), but Parole in Place for military families was left alone. However, in response to Sen. Tammy Duckworth's inquiry on the Parole in Place policy, DHS officials suggested the policy is still under review, leaving military families unclear of their protections. Additionally, members of the AILA have reported higher rates of increased wait time and denials for military Parole in Place applications at local USCIS field offices.

There has been very little transparency with regard to this issue from DHS. DoD has declined to discuss these issues with military service organizations because it is a DHS policy, despite the impact it has on military readiness. Lack of transparency and reports of increased denials are a cause for concern and give the appearance that despite no formal terminations being made for this policy, it is currently being eroded.

MOAA and The Military Coalition also voiced support for Sec. 1099T in the House Version of the FY20 National Defense Authorization Act, which would ensure military families are considered for Parole in Place.

We ask Congress to ensure Parole in Place for military families is not diminished in any way and for the Department of Defense to play an active role in determinations made under this policy.

Decline in military naturalizations

Military naturalizations have dropped 44% between FY17 and FY18 after an [Oct. 17 policy change](#) which makes it harder for servicemembers to naturalize due to additional background checks prior to basic training and increased duty requirements to be granted status. There have also been higher denial rates for military naturalization between FY17 and FY18.

According to the National Immigration Forum, "Because of these changes, it may now be faster for legal permanent residents (LPRs) seeking citizenship to remain civilians when

applying for naturalization. Military service no longer serves as an expedited path to citizenship.

MOAA opposes the erosion of expedited paths to citizenship for servicemembers. This is a key recruitment resource for vital growth of the all-volunteer force.

We ask Congress and DoD to review the military naturalization process to ensure the process is more expeditious than civilian naturalizations. We also ask Congress to examine trends in naturalization approvals/denials among servicemember applicants and the impact this may have on the all-volunteer force. We ask Congress and DoD to allow recruits to complete basic training while their background check is in process.

OCONUS Residence term change for military children

Open sources announced yet another DHS policy change on Aug. 28, this time impacting military children born overseas. The policy change, which sparked national outrage, would not consider certain military children born overseas for automatic citizenship. It came after DHS determined its definition of “residency” does not align with definitions used in statute and at the State Department.

While initial headlines suggested a far larger scope of impact than the 24-families-per-year figure cited by immigration officials, the American public voiced great concern over the suggestion that military children may not be granted automatic citizenship. While most military families will not be affected by this policy, USCIS says these populations will be affected and will have to file Immigration Form N600k to apply for citizenship for their child, effective Oct. 29, 2019:

- Children of non-U.S. citizen parents who are adopted by a U.S. citizen, U.S. government employee or U.S. servicemember after their birth;
- Children of non-U.S. citizen parents (such as a lawful permanent resident U.S. government employee, or U.S. servicemember) who are naturalized only after the child’s birth; or
- Children of two U.S. citizen government employee or U.S. servicemember parents who do not meet the residence or physical presence requirements to transmit citizenship to their child at birth (or have one non-U.S. citizen parent and one U.S. citizen parent who does not meet these requirements).

MOAA opposes this definition change as it creates undue obstacles for military families and discredits military service as a path to citizenship for servicemembers and their families. DHS claims the term change better aligned with State Department definitions however military families should be considered differently than civilian families due to unique overseas service requirements. While it will not affect the majority of U.S. servicemembers, we are concerned with the added stress and effect it may have on adopting families, blended families and non-citizen servicemembers.

We ask Congress and DHS to review this definition change with additional consideration for requirements of the military lifestyle and the impact on their families.

Public Charge Rule Change

A rule change regarding citizenship requirements – one that outlines grounds for inadmissibility related to whether an applicant for citizenship has or is receiving government assistance, such as food stamps or housing assistance – was scheduled to take effect Oct. 15, 2019.

The rule exempts active duty and Ready Reserve members and their families who have received this assistance, but others who have served this country such as National Guard members, veterans, and their families could be affected by this rule.

In a disappointing move, The Department of Veteran Affairs did not comment during the open comment period for this rule change, making it harder for veterans and their families to gain citizenship. Many veterans rely on public benefits for a variety of reasons; some being due to service-connected disabilities. About 100,000 noncitizen veterans live in the U.S., however it is unclear how many don't have green cards or have spouses who don't. It is also unclear how many use public benefits.

The rule change is on hold pending lawsuits that claim it unfairly targets low-income immigrants of color.

MOAA opposes the inclusion of veterans and National Guard in this rule change as it doesn't carefully consider how their military service impacts their families use of public assistance.

We ask Congress and DHS to create an exemption for the public charge rule for veterans and the National Guard until better consideration is taken on the impact service has on these families and their use of public assistance.

Recruiting issues for Dreamers:

Dreamers are undocumented immigrants who were brought to the U.S. as children and have lived here most of their lives. [The Dream Act of 2019](#), a bipartisan piece of legislation, would allow dreamers the opportunity to obtain legal status without the threat of deportation. In 2017, the Migration Policy Institute [estimates 71,000 dreamers](#) would utilize military service as a path to citizenship. Currently only 900 dreamers serve in the military which they were able to do through the Military Accessions Vital to the National Interest (MAVNI) program, which was terminated in 2016.

The military has struggled with their recruitment and retention goals in recent years. Just last year, the Army missed its recruiting goal by 6,000. With current record-low

unemployment rates, our country is struggling to maintain an all-volunteer force. Our association supports increasing recruitment opportunities for the military and opportunities to serve and gain lawful permanent resident status for Dreamers as provided by S. 874, The Dream Act of 2019.

We ask Congress to consider the impact the Dream Act of 2019 may have on a sustained all-volunteer force.

Deported Veterans

A 2019 Government Accountability Office (GAO) report indicates ICE agents were unaware of the policies in place for special consideration of veterans prior to any removal. Additionally, the report details difficulties veterans have accessing their benefits living overseas. The American Civil Liberties Union reports approximately 239 cases of deported veterans, however, the true number is difficult to track due to the inconsistent use of special consideration for veterans. Deported veteran groups, such as the Deported Veterans Support House indicate the number is much higher.

Our association is greatly troubled by the blatant neglect of policies in place to give special consideration to veterans prior to their separation from the military and during any removal proceedings, which negatively impact their access to earned military and veterans benefits. MOAA applauds the GAO for their detailed report and recommendations.

We ask Congress to provide greater oversight on existing policies and laws aimed to assist servicemembers in becoming citizens prior to separation from the military. We also ask Congress to oversee improvements made by DHS as the agency works to implement recommendations provided by GAO.