

WRITTEN TESTIMONY OF SALOMON LOAYZA, DEPORTED VETERAN

**HEARING ON THE IMPACT OF CURRENT IMMIGRATION POLICIES ON SERVICE
MEMBERS AND VETERANS, AND THEIR FAMILIES**

SUBMITTED TO THE HOUSE SUBCOMMITTEE ON IMMIGRATION AND CITIZENSHIP

OCTOBER 29, 2019

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

Dear Chairwoman Lofgren and Members of the Subcommittee,

I am a Vietnam War-era veteran of the United States Navy who was deported to Ecuador in 2000. Despite my years of service to the United States and the life I had built there, I was deported due to a nonviolent mail fraud offense that was not a deportable offense at the time I was convicted. In my deportation proceedings, the Immigration Judge erroneously denied me the chance to apply for a waiver to stay in the United States. I am currently attempting to re-open my deportation case so I can apply for this waiver, but the Board of Immigration Appeals has refused to hear my case, and so my case is now on appeal at the Fifth Circuit Court of Appeals. The United States is and always will be my home. I long to return and be reunited with my son, who still lives in Virginia. I hope that this testimony will help me or others along that path.

I grew up in Ecuador deeply admiring the United States, watching the Apollo missions on television and listening to the Voice of America radio program with my dad. He was also a great admirer of the United States. I remember telling him that one day, I would travel to the United States, study there, and become a part of the country's amazing future. I kept pursuing my dream and in 1973, I came to the United States to make it a reality.

In 1975, only two years after I arrived in the United States, I volunteered for the U.S. Navy. A Naval recruiter offered me citizenship, money for college, and an opportunity to travel the world in return for enlisting. I felt that if I wanted to be a citizen, I should defend the country when called upon to do so. I served in active duty for four years and deployed four separate times.

In June 1976, I participated in OPERATION FLUID DRIVE, which evacuated hundreds of U.S. citizens and other non-combatants from Beirut during the Lebanese Civil War. For our role in the operation, the USS RALEIGH crew, including myself, was awarded the Humanitarian Service Medal. Over the next several years, I participated in a number of other operations

throughout Europe.

In 1979, I was honorably discharged from active service, but decided to serve another two years in the Naval Reserve. After my service, I relocated to Norfolk, Virginia and attended Old Dominion University. Based on the Naval recruiter's offer and loyal service to my adopted country during a time of need, I always thought of myself as just another American.

Eventually, I got married, had a son, Jeremy, who is a U.S. Citizen and still lives in Virginia. In 1986, I became a legal permanent resident.

I am in my current situation because I made a mistake in doing business with the wrong people. After first owning my own used car business, and then working for an insurance company, I decided to start a small insurance business with a colleague. To my dismay, I was arrested in 1991, for allegations of mail fraud based on what I believe to have been the actions of that colleague. I was eventually convicted and sentenced to forty-six months of imprisonment. I served this time well, as a model prisoner, took as many educational courses as possible, and wrote often to my son.

When I had served my time in prison and was due to be released, I was instead sent to an immigration detention center in Oakdale, Louisiana where the government initiated deportation proceedings against me, even though at the time of my sentencing, the offense I was convicted of was not a deportable offense under the law. I tried everything I could to prevent myself from being deported and attempted to complete my naturalization application. Nothing worked. After more than twenty-five years in the United States, including time in military service, I was deported to Ecuador.

Exile from the United States, my adopted home, has been a nightmare. Being ripped from my community and thrown into a country I left so long ago has been a terrible challenge. My permanent separation from my son caused him severe depression and me plenty of heartache. I do not believe my family and I should be punished for the rest of our lives through my permanent exile from the country to which I gave some of the best years of my life. I have been fighting to return ever since I left.

Over the past few years, ACLU and my pro bono counsel, Latham & Watkins, have helped to appeal my case based on errors of law. My case is currently pending before the United States Court of Appeals for the Fifth Circuit. I hope that my case will be successful and that I will be able to return home. But even if I can, the reality is that for many deported veterans it is difficult, if not impossible, to find an attorney who can help them and they simply do not have any legal opportunities to return home. I ask that you do something about that. We answered our country's call to serve. Please answer our call now and help us return home.

Sincerely,

Salomon Loayza