

Testimony of

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

**Before the
Committee on the Judiciary
Subcommittee on Immigration and Citizenship**

**U.S. House of Representatives
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Introduction

Chairwoman Lofgren, Ranking Member Buck, Chairman Nadler, and Ranking Member Collins. Thank you for the opportunity to appear before the Judiciary Subcommittee on Immigration and Citizenship to testify about these important issues.

My name is Hector Barajas. I am a U.S. veteran who was deported to Mexico in 2004. I am honored to join you today to speak on behalf of my fellow deported veterans about my personal experience.

I am not proud of what led to my deportation, but I am proud of my military service and the positive accomplishments in my life, including starting the Deported Veterans Support House in Tijuana. Through that work, we have identified over 300 veterans like me who were deported or are facing deportation. I think there could be thousands more who have faced deportation. We do not know the exact number because the government does not keep an accurate track.

For Love of Country

I grew up in Compton, CA. My family and I moved to the U.S. at the age of seven. As a child, I remember pledging allegiance to our American flag every school morning and watching G.I. Joe on the television in the weekends.

I enlisted in the U.S. Army in 1995, when I was 17 years old. I was a lawful permanent resident at the time. I wanted to serve my adopted country, and I saw the service as a way to leave the environment in Compton and possibly to afford to go to college. I arrived in Fort Bragg and soon volunteered for Airborne School, serving in the 82nd Airborne from

1996 to 1999. I was part of the All Americans – as we were called. We were all Paratroopers, ready and willing to fight for our country and our values. We risked our lives on many days, performing dangerous air evacuations and dealing with multiple injuries as a result. I re-enlisted for another three years. I was eventually chaptered from the service with an Honorable Discharge in October 2001.

After I left the service, I had some troubles adjusting and made mistakes. I eventually found myself in prison for an incident where a firearm was discharged at a vehicle. I was sentenced to three-and-a-half years in the state of California and served my prison sentence. I was a veteran and a green card holder, but not a U.S. citizen at the time. I had not naturalized because I did not understand why I should naturalize and had no information about the process to naturalize through the military or anywhere else. Because I was not a U.S. citizen, I was deported in 2004 due to my criminal record.

I came back to the U.S. illegally that same year, started a family and worked as a roofer. I was deported again in 2009 after I was caught for a warrant for a traffic ticket.

I made the toughest decision of my life in 2009. I decided to stay in Tijuana, Mexico and fight to return to the U.S. legally. I wanted to reunite with my U.S. citizen daughter and live in America without the fear of deportation.

Building the Deported Veterans Support House

My work to support deported veterans began in earnest in 2010. I was open about my deportation for the first time. I thought I was the only one going through this ordeal, but I soon connected with other deported veterans living in Tijuana. In 2013, through a combination of hard work and determination, I opened the Deported Veterans Support House.

The Deported Veterans Support House started out of my apartment, but eventually we moved into an office. I wanted a place that could help deported veterans in situations like mine navigate the hardship of deportation and the separation from our families and the country we love and served.

The Deported Veterans Support House is a lifeline for many deported veterans living in Tijuana. We provide housing and help them find jobs, file for their VA benefits, and connect with pro-bono attorneys who can take up their case. We also observe Veterans Day, hold Thanksgiving dinners, and plan toy drives for the Christmas holidays for their children. Finally, we help deported veterans with burial details, so that our veteran brothers and sisters who die in Tijuana can return to their families to be buried at a military cemetery in America.

I also worked to raise media awareness about deported veterans by sharing our stories through social media. I connected with Members of Congress and eventually welcomed multiple congressional delegations to Tijuana so they could visit the Deported Veterans Support House. In addition, with the help of fellow veteran Representative Mark Takano, I was able to work with the U.S. Department of Veteran's Affairs to establish a VA health

clinic in Tijuana where deported veterans are examined to see if they can access some VA benefits.

I am here today because of my advocacy and help from my attorneys, my family and many others. I applied for U.S. citizenship in 2016, which we determined I qualified for due to my military service and my Honorable Discharge. Then, on Easter Sunday in 2017, I received a pardon from Governor Jerry Brown of California. Because of the pardon, I finally met all the requirements to return to America and complete the naturalization process. I proudly became a U.S. citizen on April 13, 2018. I am blessed to be back home in America and to be a father to my daughter once again.

I want to emphasize that I am a firm believer in people being held accountable. Being a veteran does not mean that you get a free pass and never have to pay the consequences for your actions. At the same time, it does not make sense to me to deport our veterans after they have completed their sentence and paid for their actions. For veterans, deportation is a double punishment.

Better Action Needed on Deported Veterans

I believe we need better mechanisms to protect veterans who face deportation. While working at the Deported Veterans Support House, I connected with hundreds of veterans who were deported or face deportation. At least 14 of them served in the Vietnam era.¹ Based on my conversations, almost all deported veterans faced similar problems.

First, Immigration and Customs Enforcement (ICE) is not properly considering most veterans' record and health issues before placing them in deportation proceedings, as required by the agency's own rules. The U.S. Government Accountability Office (GAO) published a report on June 6, 2019 that found ICE "did not consistently follow its policies involving veterans" to ensure veterans receive an appropriate level of review before they are placed in deportation. The report said ICE failed to consistently follow its procedures because the agency was "unaware of the policies." The report identified at least 250 veterans who faced deportation between fiscal years 2013 through 2018, including 92 who were eventually deported.²

In addition, veterans who face deportation are not guaranteed an attorney. The immigration court system allows individuals to hire lawyers but does not provide a lawyer if you cannot afford one. I had to represent myself for almost one year while in custody at the Eloy Detention Center in Arizona. I lost my case in 2004 and decided not to appeal it,

¹ "Discharged, Then Discarded: How U.S. Veterans are Banished by the Country They Swore to Protect," American Civil Liberties Union (ACLU) of California (July 2017), 13: <https://www.aclusandiego.org/wp-content/uploads/2017/07/DischargedThenDiscarded-ACLUofCA.pdf>.

² "Immigration Enforcement: Actions Needed to Better Handle, Identify, and Track Cases Involving Veterans," U.S. Government and Accountability Office (GAO) (June 2019), 2-5: <https://www.gao.gov/assets/700/699549.pdf>.

leading to my deportation. Many veterans are deported simply because they do not have access to a proper legal defense.

Once deported, veterans are still eligible for VA benefits and services but living abroad limits our ability to access them. For instance, deported veterans cannot receive comprehensive health care because they live abroad. While living in Tijuana, I could only request reimbursement through the Foreign Medical Program for the treatment of service-connected conditions. As deported veterans, we are eligible for the same VA benefits and services as any other veteran, but we face limited access.³

We also face very personal challenges. My friend Roberto Salazar, a former U.S. Marine in the mid-1990s, was deported in 2005. Today, he runs a men's drug rehab shelter in Tijuana. Roberto's daughter joined the U.S. Marine Corps. His family continued to serve after his deportation. She was a lively and inspiring young woman, but she passed away in an accident in 2017. We held a funeral service and burial in Tijuana, since Roberto was unable to go to San Diego to bury his daughter.

Our challenges are multifold. We must also recognize that many veterans return to America under difficult circumstances, sometimes suffering from PTSD after facing trauma. These circumstances may increase their likelihood of coming into contact with law enforcement. We must make a commitment to provide proper services to our veterans so that they do not end up homeless or take their lives. We must ensure veterans have an opportunity to receive drug treatment, attend anger management classes, and receive other services if necessary, so that they do not end up in our criminal system.

I believe we can find better ways to ensure veterans who face deportation are screened properly, have proper legal representation, and have access to the VA benefits and services they earned through their military service. I do not believe deporting veterans is the right policy. I am not excusing criminal behavior and recognize that we must accept responsibility for our crimes, but after we serve our criminal sentences, we should not subject veterans to the additional punishment of deportation.

Naturalization Promotion Can End Veterans Deportation

I also would like to speak about the importance of promoting naturalization in the military. The U.S. is home to approximately 94,000 immigrant veterans who do not have U.S. citizenship.⁴ The vast majority are lawful permanent residents and likely eligible for naturalization but have not taken the necessary steps to become U.S. citizens. Naturalization could protect them against deportation.

³ "Immigration Enforcement: Actions Needed to Better handle, Identify, and Track Cases Involving Veterans," 23-25.

⁴ "Essentials of Naturalization for military Service Members and Veterans," National Immigration Forum (October 24, 2018):

<https://immigrationforum.org/article/essentials-of-naturalization-for-military-service-members-and-veterans/>.

I was a lawful permanent resident during and after my military service, but I failed to naturalize in part because I received no information about the process to naturalize from the military or anywhere else. There was no program to encourage noncitizens in the military to ensure they became U.S. citizens. I do not recall receiving any information about my eligibility for naturalization after I separated from the military. I believe the military must designate a time to ensure all immigrant service members learn about their eligibility for U.S. citizenship.

My experience is not unique. The GAO report found shortcomings in the government's efforts to ensure immigrants serving in the military know about the process to become U.S. citizens. Of 87 deported veterans identified in the report, 85 percent were lawful permanent residents but had not naturalized.⁵ I believe we can do better to inform immigrant in the military and veterans that they may be eligible to become U.S. citizens.

The Department of Defense (DoD) and U.S. Citizenship and Immigration Services (USCIS) have an opportunity to create a program that actively promotes military naturalization and ensures all noncitizen service members are aware that they can likely naturalize before they separate from the military. The Department of Veterans Affairs could also create a program to ensure our veterans know about their eligibility for naturalization and are encouraged to apply. The VA already provides multiple programs to assist veterans with their education, job training, housing and health care. Creating an assistance program to inform and help veterans with their naturalization would be a helpful addition. By increasing the number of military naturalizations, we can help reduce the number of deported veterans.

Conclusion

I am blessed to be a U.S. citizen today. But, I believe U.S. citizenship only acknowledges what many deported veterans already believe in their hearts. We believe ourselves to be Americans. We put our Oath into action many years ago, when we enlisted in the military to uphold the Constitution and serve our country in war or peacetime. We love America.

Under today's laws, most deported veterans will only come home to America once they die. They will come back to the U.S. with an American flag draped around their casket so that they can be buried in a military cemetery. I can share many stories of deported veterans, like Enrique Salas and Jose Raul Lopez, who came home to be buried in America. There is no honor in bringing deported veterans home to be recognized or thanked for our service only when we die.

I know current law requires us to deport our veterans. I do not think that makes it morally right. We must find a solution to prevent veterans from deportation. We must also bring our deported veterans home.

⁵ "Immigration Enforcement: Actions Needed to Better handle, Identify, and Track Cases Involving Veterans," 17.

Finally, it is also important to mention that every deported veteran must leave behind his or her spouse, children and parents. Our families are left at times suffering economically and emotionally as a result of our deportation. I am blessed to once again be a father to my daughter and be together with my family, but it was painful to be separated from my daughter and family for many years.

I would also appreciate an opportunity to recognize Miguel Perez, a recently repatriated veteran, and Carlos Luna, from Green Card Veterans, who turned in letters on this issue that I would like to submit for the record.

Thank you again for the opportunity to testify about these important issues and to speak on behalf of my fellow deported veterans.

May God bless you and God bless America.