

Written Statement of Dr. Kevin Kells

For House Committee on the Judiciary

Subcommittee on Immigration and Citizenship

Hearing “‘Why Don’t They Just Get in Line?’ Barriers to Legal Immigration”

April 28, 2021

Thank you Subcommittee Chairwoman Zoe Lofgren (D-CA), Ranking Member Tom McClintock (R-CA) and members of the House Judiciary Committee Subcommittee on Immigration and Citizenship for this opportunity to submit this written statement in support of the American Families United Act, which would address existing barriers to legal immigration for spouses and children of U.S. citizens. I would especially like to thank my Congressman, Mr. Jerry Nadler (D-NY) for accepting this statement.

As a US citizen, I am not able to be reunited with my wife of two decades because she is inadmissible under INA 212(a)(6)(C)(ii), false claim to US citizenship. This dates back to an incident in 1998 before our marriage. My wife was invited for the weekend to her cousin’s high school graduation party in the US. Her intent was to return to her job the following week in her country. She was a passenger in a car. The driver said she was born in the US. The border agent asked her where she was born. She did not answer because she did not understand English at the time. The border agent brought in a Spanish speaker and when asked in Spanish, she replied that she was Mexican, and that she did not possess the needed travel document. She was young, though fully an adult, and this was her first time traveling internationally.

We’ve been married since 2001. During those twenty years, we have lived together abroad for approximately 5 years and been separated for approximately 15 years.

I was born into a military family. My father fought for this country. My grandfather also served this country during World War II, as did my great uncle. I have a Ph.D. in Electrical Engineering

and an MBA and work as an engineer at a well-known market data and news organization in New York City. My wife also has a Master's and a Ph.D. in Computer Science.

When the consular officer in 2003 told us that my wife had been approved for her K-3 visa, but that she would not be able to receive it due to a lifetime bar to admissibility, I asked him what my next steps were, how to appeal, how to proceed. The officer informed me the law permitted no appeal and no waiver for immigration in our case. Back then, there was no legal way forward. There is still no legal way forward now.

During these 20 years, my grandmother passed away. My brother passed away. Both without ever having a chance to meet my wife. My wife and I have had no children. And now we don't want to be destined, by force of law, to die alone, separately, in separate countries.

As a conscientious US citizen, I am following the law responsibly, hoping for a chance to make our case, to appeal her inadmissibility, to apply for a waiver that would let our family reunite in this country—in my country. The rights and interests of US citizens to reunite with our family members should be protected by our laws. The American Families United Act helps provide these protections to US citizens and US citizen rights.

Thank you.

Sincerely,

Dr. Kevin Kells