



ICE deported veterans while ‘unaware’ it was required to carefully screen them, report says

Washington Post

<https://www.washingtonpost.com/nation/2019/06/08/ice-deported-veterans-while-unaware-it-was-required-screen-them-with-care-report-says/>

June 8, 2019

On the same day the White House [heralded](#) veterans on the 75th anniversary of D-Day, a federal watchdog said the government had violated its own rules on deporting former service members — and immigration authorities have no idea how many they have removed.

Although U.S. Immigration and Customs Enforcement is required to especially consider a veteran’s health, deployment record and other circumstances and must elevate decisions of veteran removal to senior officials, the agency often did not because it was “unaware of the policies,” the Government Accountability Office said in a Thursday [report](#).

ICE did not elevate a decision in 70 percent of relevant cases, according to the report. The consequence, the GAO found, was that some veterans were deported without being properly screened.

Immigrants have served in uniform since the nation’s founding and have been naturalized in uniform or as veterans for a century. Nearly 130,000 troops have been [naturalized](#) since the Sept. 11, 2001, terrorist attacks alone.

But assumptions that the process is automatic has left some veterans unaware that they need to apply themselves. That has partially led to deportations for an unknown number of veterans for crimes ranging from assault to relatively minor offenses such as [petty theft](#).

“I haven’t seen ICE use any discretion except for one veteran from El Salvador,” said Hector Barajas-Varela, an Army veteran who was deported to Mexico for 14 years but was later pardoned by California

Gov. Jerry Brown (D) in 2017 and was naturalized last year. He advocates for other deported veterans.

ICE does not know precisely how many veterans it has deported, the report found, which validates an issue Barajas-Varela has warned of for years: that unclear policies mean no one knows exactly how big the problem has become.

Barajas-Varela estimates 2,000 veterans have been deported but said he could not be certain.

"Even if they started counting now, there's no way to find out," he told The Washington Post on Saturday.

In a letter to acting ICE director Mark Morgan on Thursday, House Committee on Veterans' Affairs Chairman Mark Takano (D-Calif.) [said](#) he was "deeply alarmed" over the findings.

"We cannot allow noncitizen veterans to fall through the cracks of our broken immigration system," Takano said.

"Deporting veterans represents a failure by our government that could have been prevented if ICE officials had been adhering to agency policies," Takano continued. "This level of carelessness and disregard for official procedures is negligent and unacceptable."

Margaret Stock, an immigration attorney who represents recruits and veterans in deportation proceedings, said Pentagon and Homeland Security policies enacted in recent years have accelerated the problem.

The military, until recently, quickly naturalized soldiers before they could deploy, and possibly die, for the country without being a citizen. A soldier from Trinidad was killed in Iraq on his way to [gather paperwork](#) for his citizenship, which led to legislation to expedite the process.

Citizenship and Immigration Services offices on Army installations previously fast-tracked naturalization paperwork. But those offices were [shuttered](#) in 2018.

The process has been offloaded onto commanders following a recent Pentagon policy that requires sign-off from colonels in a recruit's chain of command. Some are not especially well versed on the process because

it applies to an agency outside the military, Stock said, and they often make mistakes on forms.

Other policies have paralyzed the system and increased chances of immigrants leaving the service without naturalizing or being cut loose early by [extraordinarily stringent](#) screening methods, Stock said.

The Pentagon has now said recruits must have served 180 days to apply for naturalization if they are on active duty or one year in the reserves, or for one day if they are in combat. Previously, immigrants were naturalized within weeks while at basic training.

“I’m inundated by people who can’t get their paperwork signed,” Stock said. “We’re seeing people in deportation proceedings who wouldn’t have been there before these policies.”

In a response to the GAO report, ICE officials said they would follow the guidelines on screening for veterans and elevating their case files. ICE did not return a request by The Post for comment.

In its letter, ICE said “100 percent” of veterans removed in the study were deported because of drugs, sexual abuse, firearms, explosives, kidnapping and other charges, though it did not mention veterans outside the scope of the report.

And not all veterans in danger of deportation are convicted of crimes.

One Army veteran, Xilong Zhu, a native of China, was [honorably discharged in 2016](#) after DHS officials alleged he was given a real student visa through a fake school the agency created to catch fraudulent visa brokers.

Immigration officials approved his application to enlist before the allegation. Zhu said he was unaware the school was fake.

Zhu has not been convicted of a crime and is accused only of failing to attend classes, said Stock, his attorney. He is eligible for naturalization, she said, but Zhu remains in deportation proceedings.