

United States Senate

January 20, 2021

VIA ELECTRONIC DELIVERY

President-elect Joseph R. Biden, Jr.
Office of the President Elect
1401 Constitution Avenue NW
Washington, DC 20230

Dear President-elect Biden:

I write to express my strong support for an Executive Order or a series of executive and agency actions that prohibits the deportation of Veterans and revamps the citizenship process for military servicemembers, Veterans and their dependents. I urge you to build off your commitment to protect and expand citizenship opportunities for the brave men and women who have fought to defend our Nation.

Immigrant servicemembers possess critical skills that enhance military readiness, strengthen national security and protect our homeland. That is why, for over 200 years, Congress has provided servicemembers an expedited path to citizenship and both Democratic and Republican administrations have worked to streamline the naturalization process for servicemembers. In a period of armed conflict, such as now, Congress specifically intended for servicemembers to naturalize as soon as they entered service and prior to deployment.

Yet, despite these efforts, many servicemembers are deploying without their citizenship. Some have no valid immigration status as they fight overseas, and fear that they will be detained and deported when they return. Some honorably serve and fight in combat overseas only to be discharged without receiving citizenship. The U.S. Departments of Defense (DOD) and Homeland Security (DHS) have failed to ensure that every immigrant servicemember who wants to naturalize is able to attain citizenship.

In October 2017, the DOD introduced a series of policy changes to impede the enlistment of immigrants and their ability to naturalize expeditiously. In addition, the Trump administration removed U.S. Citizenship and Immigration Services (USCIS) teams at military training installations in order to prevent military members being naturalized upon graduating from basic training—thereby making it much more difficult to naturalize servicemembers. USCIS also shuttered its overseas offices, dramatically limiting the ability of overseas servicemembers to naturalize while serving abroad.

Eliminating military naturalization services leaves military heroes vulnerable to deportation. Indeed, many have been unfairly deported in recent years given the unforgiving nature of our immigration laws. For Veterans, some have been deported after self-medicating with substances to treat Post-Traumatic Stress Disorder or other service-connected injuries for which they did not

receive proper care and treatment. Once deported, Veterans are permanently separated from their families and unable to access their full VA healthcare benefits. It is a shame that Veterans struggle to access the healthcare, disability and retirement benefits they earned simply because of their removal. We must immediately end the shameful practice of deporting Veterans. Our noncitizen Veterans heeded the call to serve, wore our country's uniform and defended our Nation. We must honor them.

Our country has a duty to support our military members, Veterans and their families. We should build on our promise and provide robust citizenship resources to support them. Accordingly, I urge you to immediately issue an Executive Order or implement a series of executive and agency actions to achieve the following results:

Prevent Veteran Deportation and Repatriate Deported Veterans

- Prohibit the deportation of Veterans.
- Establish a visa program through which deported Veterans may re-enter the United States as lawful permanent residents.
- Facilitate and expedite the naturalization of deported Veterans eligible to naturalize through their military service, including by establishing streamlined procedures for naturalization interviews and swearing in at ports of entry or through parole for inadmissible Veterans.
- Require all DHS agencies to annotate all records for immigration benefits and immigration enforcement to reflect Veteran status.

Strengthen Military Naturalization Programs

- Repeal the DOD October 2017 policy memos on immigrant enlistment, enhanced background screening and honorable service certification.
- Repeal the DOD April 24, 2020 policy memo on N-426 certification.
- Reestablish USCIS' Naturalization at Basic Training Initiative to allow new enlistees to naturalize upon graduating from basic training.
- Reopen USCIS overseas offices and ensure naturalization ceremonies can take place at overseas military bases.
- Require USCIS to adjust the status of noncitizen enlistees to conditional Legal Permanent Resident status after they take the oath of enlistment and facilitate the naturalization process in accordance with the military naturalization statutes.

Remove Barriers to VA Benefits and Care

- Require the Department of Veterans Affairs (VA) to assess the barriers to care and enrollment that deported Veterans face and create a plan for addressing those gaps and providing greater access to VA healthcare and benefits to Veterans living abroad.

Improve Administrative Regulation and Policy

- Create an interagency taskforce among DOD, DHS and VA to identify, repatriate and enroll deported Veterans into VA benefits and the VA healthcare system.
- Require the VA to assist Veterans with the naturalization process by establishing a VA office for noncitizen Veterans.

- Appoint a Director at the DOD General Counsel Office to oversee immigration and citizenship issues for servicemembers and their dependents, as well as maintain a central repository for coordination with DHS and DOS with regard to citizenship and immigration issues.
- Repeal 8 C.F.R. § 329.2(d)'s one-year good moral character requirement for wartime servicemembers and Veterans, which was not authorized by Congress and is ultra vires of INA § 329, which requires honorable service in lieu of the standard good moral character requirement. By unnecessarily importing an extraneous good moral character requirement into the military naturalization procedure, USCIS has barred many noncitizen combat Veterans from naturalizing.

Protect Military Families

- Improve Parole in Place and Deferred Action by providing denied applicants the chance to present their case to an immigration judge before removal.
- Allow the family members of military members and Veterans the opportunity to apply for Parole in Place and Deferred Action while in removal proceedings.
- Strengthen the pathway to lawful permanent residence and citizenship for dependents of servicemembers and Veterans, including their spouses, biological children, stepchildren, adopted children and parents.

As your administration begins working to improve our Nation's immigration system, I ask you to prioritize military and Veteran naturalizations as well as bringing deported Veterans home to the United States where they belong. The United States relies on immigrant servicemembers in all sectors within the military, and it is clear that the government must better support and protect them. Thank you in advance for your consideration of this request.

Sincerely,



Tammy Duckworth
United States Senator