

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: August 12, 2021

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso *WZ*
Chief Legislative Analyst *for*

Council File No.: 21-0002-S138

Assignment No.: 21-08-0608

SUBJECT: Resolution to Support H.R. 1182 relative to the deportation of undocumented veterans.

CLA RECOMMENDATION: Adopt the attached Resolution to include in the City's 2021-22 Federal Legislative Program SUPPORT of H.R. 1182 – *The Veteran Deportation Prevention and Reform Act*– which would protect non-citizen veteran military personnel from deportation and assist with the naturalization process.

SUMMARY

On June 8, 2021, Resolution (Rodriguez-de León, Cedillo; C.F. 21-0002-S138) was introduced to support H.R. 1182 - *The Veteran Deportation Prevention and Reform Act*– which would protect non-citizen veteran military personnel from deportation and assist with the naturalization process.

According to the Resolution, U.S. Citizenship and Immigration Services (USCIS) and the Department of Defense (DOD) have policies to facilitate the naturalization of non-citizen service members and veterans and provide informational resources to those who are seeking naturalization. USCIS facilitates the application and naturalization process for current and recently discharged members of the U.S. Armed Forces through a dedicated Military Naturalization Unit that processes applications and assists field officers with administrative naturalization tasks overseas.

According to the U.S. Government Accountability Office (GAO), non-citizens have historically served in the U.S. Armed Forces, but may not be applying or qualifying for U.S. citizenship even though the Immigration and Nationality Act (INA) allows non-citizen service members to acquire citizenship. The GAO indicates that citizenship status, including removal history, does not affect a veteran's eligibility for Department of Veterans Affairs (VA) benefits and services, though living abroad affects eligibility for certain benefits and services.

DOD determines whether a service member meets the qualifying service requirement for naturalization by certifying whether the service member has served honorably, if he or she has separated from service, and the conditions of such separation. USCIS policies require that when Immigration and Customs Enforcement (ICE) agents learn they have encountered a potentially removable veteran, ICE must further assess the case. In 2019, the GAO found that although ICE has developed policies for handling cases of non-citizen veterans who may be subject to removal from the U.S., it does not consistently adhere to those policies.

The Resolution, therefore, recommends that the City include in its 2021-2022 Federal Legislative Program support for H.R. 1182 which would protect non-citizen veteran military personnel from deportation and assist with the naturalization process.

BACKGROUND

In 2019, the U.S. Government Accountability Office (GAO) was tasked with reviewing issues related to the removal of noncitizen veterans. The GAO found that while ICE has developed policies for handling cases of noncitizen veterans who may be subject to removal from the United States, it does not consistently adhere to those policies and does not have a process to identify, document, and track all military veterans it encounters during interviews. Consistent implementation of its policies would help ICE better ensure that veterans receive appropriate levels of review before they are placed in removal proceedings.

U.S. Citizen and Immigration Services (USCIS) and the Department of Defense (DOD) have policies that facilitate the naturalization process and provide information and resources for service members and veterans seeking naturalization. Citizenship status, including removal history, does not affect a veteran's eligibility for VA benefits. However, living abroad affects eligibility for certain VA benefits and services.

According to a 2019 NPR report, some veterans have been deported to various cities throughout Mexico and other places like India, Costa Rica, the Philippines, and Kenya. Many have no access to medications and mental health services and struggle to survive in these countries which they left as children.

H.R. 1182 would provide protections from deportation for noncitizen veterans. The bill would specifically require ICE to identify each individual in removal proceedings who is a veteran, a noncitizen spouse, or a minor child of such an individual. The bill provides that such individuals may not be removed from the U.S. until ICE has transferred that individual's case to an advisory committee created under this bill, and that committee has provided recommendations as to the outcome of the case.

Additionally, the Department of Homeland Security (DHS) must create a system to share information across various agencies about noncitizen veterans who may be subject to removal to ensure that military service is taken into consideration in immigration-related cases. DHS will also be required to collect data on the status of these veterans and to establish a program for eligible noncitizen veterans (generally those with no serious convictions) to obtain permanent resident status. Similarly, the Department of Justice will create a process to provide permanent resident status to eligible veterans in removal proceedings.

It is recommended that the City Council approve the attached Resolution to ensure that veteran members of the Armed Forces who are in removal proceedings receive due process and opportunities to become U.S. citizens.

Bill Status

H.R. 1182	Introduced	February 18, 2021
	Referred to Committees on the Judiciary, Veteran Affairs, and Armed Forces	February 18, 2021
	Referred to the Subcommittee on Disability Assistance and Memorial Affairs	March 22, 2021
	Referred to the Subcommittee on Immigration and Citizenship	April 28, 2021

Departments Notified

None.


Felipe Valladolid Chavez
Analyst

Attachment: Resolution (Rodriguez-de León, Cedillo)

RESOLUTION

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state, or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, U.S. Citizenship and Immigration Services (USCIS) and the Department of Defense (DOD) have policies to facilitate the naturalization of non-citizen service members and veterans and provide informational resources to those who are seeking naturalization; and

WHEREAS, USCIS facilitates the application and naturalization process for current and recently discharged members of the U.S. Armed Forces through a dedicated Military Naturalization Unit that processes applications and assists field officers with administrative naturalization tasks overseas; and

WHEREAS, according to the U.S. Government Accountability Office (GAO), non-citizens have historically served in the U.S. Armed Forces, but may not be applying or qualifying for U.S. citizenship even though the Immigration and Nationality Act (INA) allows non-citizen service members to acquire citizenship; and

WHEREAS, according to the GAO, citizenship status, including removal history, does not affect a veteran's eligibility for Department of Veterans Affairs benefits and services, though living abroad affects eligibility for certain benefits and services; and

WHEREAS, DOD determines whether a service member meets the qualifying service requirement for naturalization by certifying whether the service member has served honorably, if he or she has separated from service, and the conditions of such separation; and

WHEREAS, such USCIS policies require that when Immigration and Customs Enforcement (ICE) agents and officers learn they have encountered a potentially removable veteran, ICE must further assess the case; and

WHEREAS, in 2019, the GAO found that although ICE has developed policies for handling cases of non-citizen veterans who may be subject to removal from the U.S., it does not consistently adhere to those policies; and

WHEREAS, pending before Congress is H.R. 1182 – *The Veteran Deportation Prevention and Reform Act* – which would establish protocols to protect veteran military personnel from deportation and assist with the naturalization process; and

WHEREAS, the City of Los Angeles should support H.R. 1182 to strengthen protections from deportation of non-citizen veteran military personnel;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2021-2022 Federal Legislative Program SUPPORT of H.R. 1182 – *The Veteran Deportation Prevention and Reform Act*– which would protect non-citizen veteran military personnel from deportation and assist with the naturalization process.

PRESENTED BY:

MONICA RODRIGUEZ
Councilwoman, 7th District

SECONDED BY:

Si Gallo

JUN 18 2021

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