

TESTIMONY OF
CONGRESSMAN LUIS V. GUTIÉRREZ

*Senate Appropriations Committee
Subcommittee on Defense*

Defense Field Hearing

“Immigrant Enlistment: A Force Multiplier for the U.S. Armed Forces”

May 19, 2014

Chairman Durbin, Ranking Member Cochran, thank you for the opportunity to testify on this extremely important issue. I commend the young cadets who are present today for their discipline and accomplishments.

We are here to discuss the hopes and dreams of young talented men and women who wish to serve our great country but are denied the opportunity because of immigration issues.

It is my firm hope that the Republican-led House of Representatives will follow the lead of the Senate and the Leadership of Senator Durbin and President Obama and pass serious immigration reform this year that will resolve many if not all of these issues. But until that happens, our society must work around the fact that our immigration laws are thirty years out-of-date and the military is no exception.

Young undocumented immigrants or “Dreamers,” who are American in every way except for a piece of paper, are not able to fully contribute to our nation because they are not allowed to enlist in our Armed Forces. Under current law, only U.S. citizens, green card holders and persons “vital to the national interest” can enlist in the military.

In June 2012, the Administration announced Deferred Action for Childhood Arrivals, known as DACA, to protect young immigrants from deportation and grant them work permits.

This announcement was widely celebrated across our country. At one of Chicago’s top tourist destinations, Navy Pier, 15,000 Dreamers and their families stood in line to sign up for DACA the first day the program opened. To date, more than 600,000 immigrants raised and educated in the U.S. have signed up.

The popularity of the program led to sweeping Democratic victories at every level in the 2012 elections. It’s a growing boon to our economy because it allows DACA recipients to fully contribute their talents to our workforce. By signing up more than half a million well-educated individuals who passed a rigorous background check and demonstrated good moral character, there are fewer undocumented immigrants living in the shadows, a fact that makes the job of protecting our homeland and neighborhoods much easier for law enforcement and immigration agents.

As more young immigrants sign up for DACA, those already in the program will begin to renew their status this summer. Many of these DACA recipients are part of the Chicago Public Schools Military Academies. In fact, Chicago Public Schools run the largest JROTC program in the nation, with more than 10,000 students enrolled. Students in these military academies graduate at the top of their class, have above average ACT scores, and have diverse backgrounds.¹

These programs instill in students the values of service, leadership, and personal responsibility. Many of these graduates want to pursue a career in the Armed Forces, but the ones who have applied for and received DACA are senselessly turned away.

¹ <http://www.chicagojrotc.com/>.

Allowing these young patriots to enlist is vital to our national interest because it enhances the military's cultural expertise and diversifies the pool of well-educated applicants for recruitment across the board.

I am very proud of the State of Illinois and the City of Chicago for being national leaders when it comes to integrating and developing the full potential of all immigrants. We are committed to welcoming immigrants who want to work hard and contribute to our city regardless of their origin or immigration status.

With state- and city-led initiatives like in-state tuition and scholarships for DACA recipients, more students would qualify to serve in the officer corps, helping to correct the underrepresentation of minorities in leadership positions in the Armed Forces—but only if we remove barriers to their service. A 2011 Military Leadership Diversity Commission report found that overall military officers “are less demographically diverse than both the enlisted troops they lead and the broader population they serve.”² If we align policies in a smart way at the federal, state and local level, we can do something to correct this deficiency.

But DACA recipients are not the only ones who are turned away by the Armed Forces. Many U.S. citizens are being denied the opportunity to enlist. I am deeply troubled by the current Navy and Marine Corps regulation that prohibits U.S. citizens from enlisting in the military if they have an undocumented spouse or child. This regulation came to my attention last year when I read an article that said Marine Corps recruiters counseled a recruit to divorce her spouse in order to enlist.³

This and other reports prompted Congressman Mike Coffman of Colorado and me to lead a bipartisan letter from 33 Members of Congress to the Service Secretaries expressing our concern and requesting clarification on this policy.⁴

The Office of the Under Secretary of Defense for Personnel and Readiness initiated a policy review on this matter with all the Military Services. There is a working group examining both the DACA enlistment issue and the Navy regulation barring U.S. citizens from enlistment. I hope these issues are promptly resolved by the Department of Defense (DOD) working group and expect a report on their findings soon.

Our country should not turn away U.S. citizens because of who they love. And a soldier should not have to worry about his or her spouse being deported while they are defending our freedom.

Army Specialist Hector Nunez is someone who personifies how a flawed immigration policy negatively impacts our military.⁵

² “From Representation to Inclusion: Diversity Leadership for the 21st-Century Military.” *Military Leadership Diversity Commission*. March 15, 2011,

http://diversity.defense.gov/Portals/51/Documents/Special%20Feature/MLDC_Final_Report.pdf.

³ “Military’s Immigration Battle; Pentagon Revisits Policy Barring Those With Spouses, Children in U.S. Illegally,” Miriam Jordan, *Wall Street Journal*, December 9, 2013,

<http://online.wsj.com/news/articles/SB10001424052702303330204579248584130068744>.

⁴ Letter to the Service Secretaries from Members of Congress, sent on November 21, 2013,

<http://1.usa.gov/1jINLmy>.

Specialist Nunez is a combat engineer in the Illinois Army National Guard who is responsible for clearing obstructions, including IEDs, for military convoys. His wife Rosa was brought to the U.S. from Mexico when she was six years old and grew up in Illinois. Hector and Rosa met and fell in love. They had a son who was born with a brain condition that required Rosa's constant care. They sought legal advice to resolve Rosa's immigration status but were badly misled. Rosa returned to Mexico for what she thought would be a brief period of time to pick up the visa she was granted. Hector had just received military orders to deploy to Afghanistan for a second tour when he learned that immigration rules barred Rosa and his one year old son from returning to the U.S. for 10 years. For a decade, they would have to live in Ciudad Juarez—perhaps the only place more dangerous than Afghanistan, a place where we issue “combat pay” for all U.S. personnel working in our consulate there.

Specialist Nunez asked me for help and I worked with the family and DHS to secure a humanitarian visa for Hector's wife. She and Hector's son were able to return to the United States safely and Specialist Nunez could redeploy without worrying about his family being in harm's way.

This story is unimaginable but true. That's why I applauded the November 15, 2013, U.S. Citizenship and Immigration Services (USCIS) memo that permits immediate family members of those who serve or served our country to apply for parole in place.⁶ This feature of existing immigration law that President Obama extended to military families resolves many of their immigration status issues and allows many of them to apply for permanent legal residence. Policies like these will prevent more tragedies like Hector's. They also ensure that military preparedness is not adversely affected by active duty service members worrying about their loved ones getting deported.

The impact of our current immigration mess on issues of military recruitment is just one example of why immigration reform is desperately needed.

The fact that we have an estimated 11 million or more people living and working here underground is a serious national problem that must be resolved. We have as a society rightly concluded that driving out 11 million people and their families is bad policy. But leaving the status quo is no solution, either.

In the meantime, every institution in America, including our military, must work around the inability of our federal government and the U.S. House of Representatives to fix our immigration system.

DACA is an important first step in implementing modern immigration policies that reflect our values and strengthen our nation. Next we must fully incorporate DACA recipients and their families and the millions of immigrants who live among us into our society.

⁵ “A family once divided reunited for Christmas; Soldier's wife is granted humanitarian visa,” *Serena Maria Daniels, Chicago Tribune*, December 26, 2010, http://articles.chicagotribune.com/2010-12-26/news/ct-met-xmas-visa-20101226_1 Visa-dream-act-christmas.

⁶ http://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2013/2013-1115_Parole_in_Place_Memo_.pdf.

Thank you Senator Durbin for your leadership on this issue and for the opportunity to testify.