

April 28, 2021

The Honorable Zoe Lofgren  
Chair  
House Committee on the Judiciary  
Subcommittee on Immigration  
and Citizenship

The Honorable Joe Neguse  
Vice Chair  
House Committee on the Judiciary  
Subcommittee on Immigration  
and Citizenship

Re: Statement for the Record; Subcommittee Hearing: *Why Don't They Just Get in Line? Barriers to Legal Immigration*

Dear Chairperson Lofgren and Vice Chairperson Neguse:

I submit this letter for the record in connection with the April 28, 2021 Subcommittee hearing titled: *Why Don't They Just Get in Line? Barriers to Legal Immigration*. Thank you for holding today's hearing and bringing attention to the critical need to fix our nation's broken immigration system.

Most people think that marriage to a United States citizen means that you automatically have the right to reside legally in the United States, but that is not always the case. The truth is that outdated immigration laws force thousands of families like mine to live apart. My family can be reunited with a simple, targeted change to immigration law; a solution that has been supported in the past by both Republicans and Democrats. I sincerely hope that this hearing will prompt swift action from Congress to pass *The American Families United Act*. This bill would protect the rights and interests of U.S. citizens in our immigration system, and provide the Attorney General and the Department of Homeland Security Secretary discretion to allow certain individuals to be reunited in the United States. I thank Congresswoman Escobar for her long-standing leadership on this issue.

I am a 20 year member of the International Brotherhood of Teamsters. My wife Cecilia and I met in 2004 through mutual friends. As I got to know her, I was completely smitten with her smile and her laugh, but she wouldn't go out with me because of her immigration status. Finally, our friend told me that Cecilia was undocumented. She had crossed the border illegally in 1997, returned to Mexico after becoming homesick and then came back to the United States in 2000. Border Patrol caught her crossing illegally twice. But, during her years living in the United States, she worked hard to earn a living and was careful not to break any laws; she never got so much as a traffic ticket. I told Cecilia that I didn't care about her immigration status. We got to know each other, fell in love, got married, was blessed with our son, Ashton, and welcomed him into our family. Cecilia became a stay-at-home mom. We were happy and lived our life like any other family.

Several years after our marriage, we decided it was time to make things right and pursue legal residency and citizenship for Cecilia. We hired an immigration attorney but received terrible

advice. Our lawyer told us “If Cecilia is ever deported, I can have her back in the United States in six months.” This was a lie. He had advised us to get a work permit for Cecilia. In doing so, this put her in the immigration system. For three years we had to report for annual check-ins.

During this whole time our lawyer never told us that Cecilia had a permanent bar. Then came 2016. Soon after the election, former President Trump signed an executive order directing ICE agents to arrest and deport as many of the 11 million undocumented people in the country as possible. Cecilia began to live in fear of taking Ashton to the park or going shopping for groceries. This fear became so severe that we decided she should self deport while at her 2017 immigration appointment, with the false hope that she would be able to return within six months to a year. So, after being allowed to spend Christmas and New Year’s together, we all flew to Mexico as a family to help Cecilia settle in and say our goodbyes. My son and I returned to Georgia without Cecilia. I was sad but hopeful this would be a short separation.

Soon after my wife returned to Mexico, Ashton was diagnosed with kidney cancer. Cecilia applied for humanitarian parole to be with Ashton during his surgery and treatment, but our request was denied. It was a nightmare. I had to watch my son go through surgery and chemotherapy treatment without his mommy. Cecilia was alone in Mexico and terrified for Ashton.

I have put every effort into reuniting my family, but when I checked on the progress of our case, I was told that due to Cecilia’s earlier illegal border crossings she was permanently barred from even trying to return to the United States. Depending on individual circumstances, other American citizens have spouses with bans with a range of three years to lifetime. In my wife’s case, after ten years, I can try to sponsor her return. There is no guarantee of approval.

Over one million people in the United States are married to undocumented individuals. Traditionally, marriage to a U.S. citizen usually resulted in approval for permanent residency, but that changed in 1996 when Congress enacted the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), commonly referred to as “Ira-Ira”. This act was an effort to address the growing undocumented immigrant population and it increased penalties for immigrants who violated U.S. law in some way. It had many dire consequences for U.S. citizen families. Deportations were “fast-tracked,” discretion was taken away from immigration judges, and due process was eliminated from the majority of removal cases. Legal status became a much harder goal to achieve regardless of familial ties to U.S. citizens. It was also in this act that we saw the birth of the 3 and 10-year inadmissibility bars.

Ashton misses his mommy desperately. I miss my wife desperately. Cecilia wanted to come out of the shadows as an undocumented immigrant and tried to pursue legal residency with the help of an immigration attorney. In this case, trying to do the right thing may have resulted in our family being permanently split between two countries. Sometimes we wish we had not tried to

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remedy the situation, that we had just gone on hiding her status, so at least our family would still be together.

I am a Christian, and believe God will bring my family back together. Until then, we will use FaceTime and Skype to communicate and have family visits in Mexico whenever possible. I will continue to support two households in two countries, but will never stop looking for avenues to change the law because I have no other choice. Cecilia and I share a deep love for each other and Ashton. We believe we belong together as an American family.

I don't believe that what has happened to my family is what Congress or the American people intend or want from our nation's immigration system. The system is broken and it's hurting families like mine. We have a rare and powerful opportunity in this moment to finally address our nation's outdated and inhumane immigration laws. I believe and hope that this hearing will be a critical step toward Congress taking action to reunite families like mine by passing the *American Families United Act* this year.

Sincerely,

Jason Rochester

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