



AB 386 – Legal Representation for Deported Veterans

IN BRIEF

Assembly Bill 386 will provide legal representation to veterans that have been deported out of the country as a way to potentially allow them to return to the United States. An eligible deported veteran must have been honorably discharged and have ties to California.

Additionally, a Veteran Reentry Fund will be created as a way to continue funding these valuable legal services in California.

BACKGROUND

This bill seeks to address a major issue impacting men and women that have served in the military and end up being deported out of the country for committing an “aggravated felony,” which may be a result of receiving bad legal counsel, unemployment, substance abuse or the adverse effects associated with post-traumatic stress. These men and women have served in wars such as Vietnam, Persian Gulf, Iraq and Afghanistan.

A report published by the American Civil Liberties Union, titled “Discharged, then Discarded”, highlights the impact of veterans that are deported after being convicted of a crime. Since 2012, there are 24,000 non-citizens in the military with approximately 5,000 legal permanent residents that enlist on an annual basis.

In fact, from 1999 to 2008, there were approximately 70,000 noncitizens serving in the military, which made up 4 percent of all new enlistments. It is evident that immigrants play a vital role in our nation’s military since they are willing to make the ultimate sacrifice.

Furthermore, the Department of Social Services’ Immigration Branch currently oversees the distribution of grants to nonprofit legal service providers in California in order to provide immigration related services. They partner with numerous nonprofit organizations throughout California that specialize in providing services to our immigration population.

THE PROBLEM

Unfortunately, an increase in deportations occurred after the passage of the *Illegal Immigration Reform and Immigrant Responsibility Act of 1996* since it expanded the list of deportable offenses while eliminating judiciary discretion

on deportation cases. The elimination of the discretion created an extreme hardship for veterans facing deportation since they aren’t able to use their previous military service as a way to seek justice.

In most cases, a deportation could’ve been prevented if they were properly guided by the Department of Defense in pursuing naturalization since most are under the impression that it is an automatic process.

Veterans are provided with VA benefits as part of being an active member in the military. However, deported veterans are tasked with finding reliable medical care outside of the U.S. since they do not have immediate access to VA related healthcare services. It is detrimental because healthcare providers outside the U.S. may not be qualified to provide specialized care for service-related conditions. This is an issue that can be addressed if veterans had opportunities to seek reentry as a way to receive vital VA healthcare benefits.

THE SOLUTION

AB 386 creates a unique opportunity for veterans seeking to reenter the country after being deported in the event that a deported veteran is pardoned of their underlying deportable offense or otherwise experience a change in legal circumstances.

The legal services provided to deported veterans will enable them to explore their options and determine their eligibility to return home to their families.

FOR MORE INFORMATION

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