

Noncitizen veterans protest possible deportation to Mexico

Two brothers who served in Vietnam demonstrate at the U.S.-Mexico border over a more stringent immigration policy that ensnared them because of misdemeanor criminal convictions more than 10 years ago.

By Richard Marosi, Los Angeles Times

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Brothers Manuel and Valente Valenzuela still don their dress blue military uniforms with the ramrod-straight posture from their Vietnam War days. Manuel, a former Marine, carried out rescue missions. Valente, an Army soldier, was wounded and received a Bronze Star.

The brothers, both in their 60s, are now waging a legal battle against an unexpected foe: the U.S. government. They are trying to stop the country they served from deporting them to Mexico.

On Saturday, they took their protest to the U.S.-Mexico border, where they marched in a demonstration that mixed solemn defiance with unabashed patriotism.

Decked out in their military blues — shoes polished, commendations shining — they held aloft a U.S. flag. The uniforms, they said, were meant to distinguish them from illegal immigrants who are deported, some through a nearby gate from where they may one day be dispatched.

"We have to show what we have done and what we have sacrificed," said Manuel, a construction worker from Colorado Springs, Colo. "We are American. We could have died for this country."

The brothers' cases are the latest of several that highlight what some believe is a growing trend as U.S. immigration authorities, in casting a wide net to deport illegal immigrants, also snare non-citizen veterans who have committed crimes, including misdemeanors.

Immigration authorities said veterans who come under scrutiny, most of them green card holders, are treated differently, and potentially more leniently, than illegal immigrants.

Military service is a positive factor that agents weigh in deciding whether to begin deportation proceedings, said Lauren Mack, a spokeswoman for Immigration and Customs Enforcement.

But critics said few veterans are being spared because authorities have beefed up their deportation enforcement programs and expanded the category of crimes that make people eligible for deportations. The offenses can range from murder and weapons charges to nonviolent misdemeanor arrests such as drunk driving and shoplifting.

The Valenzuelas' criminal records, according to the brothers and their attorney, Dennis Hartley, include only misdemeanors: Manuel for disorderly conduct and resisting arrest; Valente for domestic violence. The offenses were committed more than 10 years ago, they said.

In a potent illustration of the brothers' potential fate, several veterans who already have been deported also showed up at the border to lend their support. They remained on the Mexican side, in Tijuana, unable to cross into the U.S.

It's unclear how many veterans have been deported or are in deportation proceedings. Immigration authorities said they do not track the information. Estimates from veterans, immigrant rights groups and attorneys range from several hundred to 3,000.

Under long-standing immigration laws, all veterans are eligible to become citizens, and a fast-track program introduced in 2009 can turn green card holders into citizens in about two months, according to U.S. Citizenship and Immigration Services.

In past years, the process could take significantly longer, and some veterans cite the paperwork hurdles, along with their own negligence, for failing to pursue citizenship.

The Valenzuela brothers, both of whom were born in Chihuahua, Mexico, and brought into the country as children by their U.S.-born mother, said they gave little thought to their legal status as the years passed and that nothing prevented them from getting work or receiving their veterans' benefits.

The brothers, who both live in Colorado, argue that they believed citizenship was granted to them when they took their oath of induction before heading off to war. "When we rose that hand, we figured we were American citizens," Manuel said. "We pledged our allegiance to the U.S. and we still have that within ourselves."

The Valenzuelas said that they often struggled after leaving the military, and that post-traumatic stress syndrome contributed to their scrapes with the law. They paid for their offenses, and argued that they shouldn't be singled out again for punishment.

"It's not about whether they were good boys or bad boys," said Craig Shagin, an attorney from Pennsylvania who has handled several cases involving veterans facing deportations. "They get punished like everybody else. The question is do you deprive them of their nationality?"

Deported two years ago, Hector Barajas lives in a cramped Rosarito Beach apartment that feels like a shrine to his days as an Army paratrooper. Snapshots and honors line the walls and a certificate of his 2001 honorable discharge sits next to his bed.

Barajas, 34, who grew up in Compton and was deported for a weapons conviction, said about a dozen deported veterans live in the ocean-side community, about 30 miles south of San Diego, including a former hostess bar manager from Los Angeles who has been sleeping on a cot in his kitchen since his deportation in December.

The veterans struggle to find jobs, and many scrape by on money sent from family members in the U.S. Barajas, a former roofer who made \$35 per hour in California, makes \$18 per day — a very good wage, he said — as a caregiver at a nursing home.

Like other deported veterans, Barajas monitors legal cases that could help him regain his status in the U.S. He pins his hopes on one day getting his felony conviction reduced to a misdemeanor, which would improve his chances of returning legally.

He said he came to the border because the military is a brotherhood and he doesn't want the Valenzuela brothers to face his daily struggles.

For deported veterans, Barajas said, life turns on cruel ironies. Though he is still eligible for the same medical benefits as other veterans, he can't visit hospitals in the U.S. His military service guarantees his return to the U.S. eventually, however.

As a veteran, he has the right to be buried in a national cemetery. "I can return to the U.S.," he said, "but I have to die."

<http://www.latimes.com/news/local/la-me-deported-veteran-20120218,0,2322586.story>