

I _____ am a United States Veteran and ask that ICE and USCIS Leadership please exercise discretion and release Miguel Perez as a humanitarian gesture for the reasons stated below.

Signature

Date

Miguel Perez, Jr., a combat veteran in the War on Terror, began a hunger strike on January 31, 2018 after having been in ICE custody at Kenosha County Detention Center for 16 months awaiting deportation. You read that correctly: a disabled combat veteran is on a hunger strike to avoid deportation after serving the better part of a decade for his role in a non-violent drug offense. Although we'd like to report that his case is unique, the fact is that it is part of a larger problem that involves several governmental departments and agencies. Unfortunately, the scope of this problem is not fully understood because it hasn't been well documented – by anybody.

Two things need to be made clear before pleading this case: 1. this is not an “immigration” issue, it is very much a “veteran” one; and 2. we are not excusing criminal activity. Perez served 7.5 years in prison for his role as a drug “mule,” not “dealer.” We believe, based on review of Perez’ records, that his “criminal” act occurred because of the lack of support available at that time – many agencies and departments have written reports and memos to acknowledge and correct these systemic flaws. Perez has been systematically led to this circumstance by being let down at every point, beginning with the military he so proudly and honorably served. Here is that story and links to those reports and memos.

Although Perez was technically a Mexican national during his enlistment, he was actually following a family tradition through military service. His Grandfather, born in Colorado in 1912, moved to Mexico after experiencing the violence towards Mexicans in early 20th Century Southwest US. Family who stayed in the US served in WWII, Korea, and Vietnam. So, why didn't Perez gain citizenship through military service? It turns out that application wasn't in the stack of paperwork Perez signed to enlist. Then President Bush signed an Executive Order in 2003 that allowed for head-of-the-line privilege to military members' applications, but let's be honest: we were still more concerned with getting to the war than about the veterans returning from it. Thank you to all of those organizations who were there from the beginning.

Inadequate Trauma Care

Perez competed two tours in Afghanistan (May 1, 2002 - October 1, 2002 and April 9, 2003 - October 1, 2003) supporting Special Forces. According to several Special Forces troops who served with Perez, and an Army Commendation Medal earned, he “provided indispensable maintenance and assistance to five Operational Detachment Alphas [A-team's].” He regularly went out on patrols with Special Forces and “assisted in the completion of over 150 resupply missions that delivered more than 150,000 pounds of much needed supplies.” Through all of this, he was involved in several combat actions that resulted in his diagnosed PTSD and possible [certain] Traumatic Brain Injury (likely more than one).

After his second deployment, he and other members of his unit were found to have been using cocaine during a routine urinalysis and were administratively discharged for “misconduct” with a characterization of General under Honorable Conditions; rather than being provided treatment by the Army. A [memo](#) dated September 3, 2014 (10 years *after* Perez' discharge) by then Defense

Secretary Chuck Hagel addressed just that. He issued “new and immediate guidance” to military records boards for discharge upgrades after Vietnam veterans advocated that their PTSD was not recognized or acknowledged during discharge for “misconduct.” In case you weren’t aware, we’ve just acknowledged the 50th Anniversary of Vietnam.

In May 2017 the Government Accountability Office published a [report](#) (GAO), *Actions Needed to Ensure Post-Traumatic Stress Disorder and Traumatic Brain Injury Are Considered in Misconduct Separations*. The report specifically states: “PTSD and traumatic brain injury can affect the behavior of servicemembers in the Armed forces and may lead to separations for misconduct.” They also found that 12% of service-members during that period were discharged for “misconduct;” and 62% of those were diagnosed with PTSD, TBI, adjustment disorder, and alcohol- and substance-related disorders (just to name a few) *prior* to their discharge – imagine how many go undiagnosed because of the stigma associated with getting help?

The wars in Afghanistan and Iraq have produced an increased understanding of trauma and its effects on our returning veterans, their social networks, and the interactions between them. Thanks to several audits and investigations we’ve become aware of how poorly the systems in place operated. When it was discovered that veterans were dying on waitlists, Veterans Affairs Secretary Eric Shinseki simply resigned and called it “a systemic, totally unacceptable, lack of integrity.” Many of those who were not being served by this fractured system found other means of dealing with their conditions - often alcohol or other substances that didn’t require a waitlist.

Criminalized Trauma

Perez’ story illustrates the unjust and inequitable biases found within the fractured systems that veterans, such as he, have fought to defend for generations. To be clear: We are not excusing criminal activity. We are arguing that Mr. Perez’ criminal behavior occurred after his self-medicating behavior led him there. After the Army, Perez continued self-medicating due to his reintegration barriers. Like many others he had broken relationships with his family and a difficult time maintaining employment. These circumstances made spiraling down a vicious cycle just about inevitable. After a misunderstanding at home, when Perez was startled in his sleep, he left his parent’s home to stay with a man he thought he knew. Knowing that he had weapons training and experience in combat, this person used Perez days later to make the exchange with police that would get him arrested. This “friend” would have been his co-defendant but fled to Mexico where he was killed shortly after.

Perez has been demonized as though he was a kingpin. Some of our council-members sat at Perez’ December hearing in the Seventh Circuit Court and listened as the three-judge panel referred to him as a “former GI” and “drug dealer,” as if he’d been featured on a Netflix narco documentary. Perez pleaded guilty to the manufacturing and delivery of 15-100 grams of cocaine. While kingpins have the resources to hire a strong or sufficient legal defense team, neither Perez nor his family had the resources to afford one. If they could have, he would have been strongly advised to plead not guilty to a deportable offense. A high-priced defense team would have taken the case to trial by peers afforded under the Sixth Amendment of the Constitution.

It’s known among us who work in assisting veterans that involvement with the justice system can be used as evidence for claims to the Department of Veteran Affairs. In other words, being arrested for some criminal behavior is seen as evidence that a veteran is suffering from one or more disorders related to their military service. It wasn’t until he was incarcerated that the VA recognized his PTSD as a service-connected disability. His documented and reported symptoms prior to incarceration, along with recent evaluations by private doctors and psychologists suggest that he

needs help, not more detention. If he'd have access to help, like other veterans returning from incarceration, his level of disability would be substantially increased.

After serving 7.5 years in state prison for his crime, he was detained by ICE. His access to the medications and minimal care he was receiving in prison was cut-off. He's been in detention under inhumane conditions for over 15 months. He could leave at any time with a one-way ticket to Mexico, a place that's as foreign to him as the valleys of Afghanistan were, but he's a fighter. When the same behavior that could benefit one veteran's recovery becomes grounds for exiling another, there is no equity in justice.

Plea for Equity

Recently, many people became aware of the Kalief Browder story. That's the boy who was arrested and held for three years, two in solitary confinement, at Riker's Island in New York for a crime he didn't commit. Although the two stories have many obvious differences, the parallels between highlight a system that is in dire need of reform. Mr. Browder committed suicide after being released and having been let down by the justice system at every turn. Now imagine the feeling if that same system letting you down is the same one that you, literally, shed blood for on foreign soil. Please don't let Mr. Perez' story end like that of Mr. Browder and countless others. We are in a position to apply what we've learned from the wrongs that have been exposed. Let's act on that knowledge and position, please. Veteran lives literally depend on our actions as a community and its representatives.

We ask that leadership at the highest levels *PLEASE* be bipartisan and do the right thing: halt the deportation of American Veterans awaiting a formal audit and investigation on DHS' deportation policies and procedures by the Office of Inspector General (OIG). Deportation can only effect those who belong to an ethnic minority and show a justice system that is far from fair and impartial. Yes, we are a nation of laws, but we should strive to be a nation of *equitable* laws.



LULAC Council #5310
Green Card Veterans