Immigrant vets face deportation despite service

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Body

When Rohan Coombs joined the U.S. Marine Corps, he never thought one day he would be locked up in an immigration detention center and ***facing*** ***deportation*** from the country he had vowed to defend.

Coombs, 43, born in Jamaica, immigrated to the United States legally as a child with his family. He signed up to serve his adopted nation for six years first in Japan and the Philippines, then in the Persian Gulf during the first war with Iraq.

Up to 8,000 non-citizens enlist in the U.S. Armed Forces every year and serve alongside American troops. As of May 2010, there were 16,966 non-citizens on active duty. The military does not allow illegal ***immigrants*** to enlist.

If non-citizens die while serving, they are given citizenship and a military funeral. If they live and get in trouble with the law, as Coombs did, they can get caught in the net of a 1996 immigration law that greatly expanded the list of crimes for which non-citizens can be ***deported***.

"As far as I was concerned, I was a citizen," said Coombs, whose soft-spoken, introspective nature contrast with his physical presence. Coombs stands 6 foot 5 and weighs more than 260 pounds a gentle giant, according to his fiancee, Robyn Sword.

Now advocates of non-citizen servicemen and women are trying to change that. Attorneys are taking cases like Coombs' to court, arguing that an ***immigrant*** who serves in the Armed Forces should be considered a U.S. national and protected from ***deportation***.

"These are people who served us whether they are model human beings or not," said Coombs' attorney, Craig Shagin of Harrisburg, Pa. "They served in our uniforms, in our wars. If they were POWs, they'd be considered American prisoners."

Rep. Bob Filner, D-Calif., chairman of the House Veterans' Affairs Committee, is looking into potential changes to the law so ***immigrants*** who serve in the military can avoid ***deportation***.

"You come back from Iraq or Afghanistan today, you have put yourself on the line for this country," said Filner. "An incredible number of kids come back with an injury or illness that puts them in trouble with the law. To simply have these people ***deported*** is not a good way to thank them for their ***service***."

Advocates estimate that thousands of veterans have been ***deported*** or are in detention. Government officials say they have no tally but plan to begin tracking the numbers.

The push comes as criminal courts are increasingly listening to arguments for leniency for veterans.

So-called veterans courts, which give them specialized treatment, now number more than 30, with a dozen more planned.

Next month, new U.S. Sentencing Commission rules will make it possible for federal judges to consider a criminal defendant's military ***service*** and mental and emotional condition to issue a lesser prison sentence. The rules, however, would not apply to immigration judges.

Most ***immigrants*** serve with distinction. The Center for Naval Analyses, a federally funded research and development center for the Navy and the Marine Corps, found that non-citizens are far more likely to complete their enlistment obligations successfully than their U.S.-born counterparts.

Coombs was one who did not make the grade.

He spent 10 months in the Persian Gulf and lost friends to combat, he said. After the war, he felt depressed and anxious. His family was far away in New York, and he said "whining" to fellow Marines didn't seem an option.

Instead, he got involved with drugs, and he got caught.

In 1992, he was court-martialed for possession of cocaine and marijuana with the intent to distribute, and was given 18 months of confinement and a dishonorable discharge.

He continued to struggle with drugs.

"Things would be going well, then something would happen," he said.

He got married, and that helped. When his wife died in 2001 of diabetes-related complications, he started smoking marijuana again.

In 2008, he was busted for selling marijuana to an undercover officer while working as a bouncer in an Orange County bar. He spent eight months in state prison.

"I don't want to make excuses. I made mistakes. I thought I knew the consequences I served my time," he said in a telephone interview.

U.S. Immigration and Customs Enforcement found that his criminal convictions made him eligible for ***deportation***, and he was turned over to ICE after serving his sentence. He has been held in a San Diego immigration detention center for 22 months and is appealing to the 9th U.S. Circuit Court.

Coombs was stunned to realize he could be forced to leave the country for his crimes.

"This is the only life I've known," he said. "The only time I left this country was when I was deployed overseas. This is my home."

On the other side of the country, Dardar Paye is appealing his ***deportation*** case to the U.S. District Court for the Middle District of Pennsylvania.

Paye came to the U.S. from war torn Liberia as a 13-year-old. He joined the Army in 1998, serving in Kuwait as part of Operation Desert Fox and then in a NATO peacekeeping mission in Kosovo. He returned to New Jersey, where his family lives, to spend another year and a half with the Army National Guard.

In 2008, he was convicted of six weapons-related offenses, including two involving firearms dealing, and served time in federal prison. Now, like Coombs, he is ***facing deportation*** and is feeling betrayed.

"When I was in Kuwait, in Kosovo, I was like everyone else who was there, putting their lives on the line," said Paye, who in the Army was an armored vehicle crewman. "Now I feel like they just used me for what they wanted, and now they're throwing me away."

Advocates and immigration attorneys say that before the 1996 Illegal ***Immigrant*** Reform and ***Immigrant*** Responsibility Act, few ***immigrant*** veterans were ***deported***, because immigration authorities could take their ***service*** into consideration.

The law added crimes such as drug possession for sale to the list of serious crimes that could lead to ***deportation*** of a legal ***immigrant***.

"Drugs, anger management, weapons charges, that's what a lot of ***vets*** are getting caught for, and there is no relief," said Margaret Stock, a recently retired Army reservist and immigration attorney who taught at the United States Military Academy at West Point. "The 1996 law really put the nails in their coffin."

Coombs' attorneys, Shagin and Heather Boxeth of San Diego, Calif., who have represented or advised ***immigrant*** veterans in similar straits, estimate up to 4,000 veterans who served as long ago as World War II are now in immigration detention or have been ***deported***, but acknowledge that there are no hard numbers.

ICE spokeswoman Lori Haley said identifying and removing dangerous criminals from the country is an agency priority and that the cases of people with prior military ***service*** are carefully reviewed.

Meantime, the military has started to offer a fast-track to citizenship to ***immigrants*** currently serving. Now, most joining the Army can expect to be citizens by the end of basic training, said Stock. Other branches are expected to join the effort by the end of the year.

That help doesn't extend to those who have already served such as Paye and Coombs.

"If I had died," said Coombs, they would have made me a citizen, given me a military funeral, and given the flag to my mom. But I didn't die. Here I am. I just want another chance."

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