



# ESSENTIAL TO THE FIGHT

## IMMIGRANTS IN THE MILITARY EIGHT YEARS AFTER 9/11

By Margaret D. Stock

NOVEMBER 2009

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**ABOUT SPECIAL REPORTS ON IMMIGRATION**

The Immigration Policy Center's *Special Reports* are our most in-depth publication, providing detailed analyses of special topics in U.S. immigration policy.

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# EXECUTIVE SUMMARY

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*“We come from the farms and the city streets and a hundred foreign lands  
And we spilled our blood in the battle’s heat  
Now we’re all Americans”*

—Lyrics from the song “Dixieland,” by Steve Earle

From the Revolutionary War to the current conflicts in Afghanistan and Iraq, immigrants have made significant contributions to the United States by serving in our military forces. Today, immigrants voluntarily serve in all branches of the U.S. military and are a vital asset to the Department of Defense. To recognize their unique contribution, immigrants serving honorably in the military who are not yet U.S. citizens are granted significant advantages in the naturalization process. Over the past eight years, Congress has amended military-related enlistment and naturalization rules to allow expanded benefits for immigrants and their families and encourage recruitment of immigrants into the U.S. Armed Forces. The U.S. military has also implemented new programs to encourage the enlistment and rapid naturalization of non-citizens who serve honorably during the current conflict. Without the contributions of immigrants, the military could not meet its recruiting goals and could not fill its need for foreign-language translators, interpreters, and cultural experts.

## **Among the findings of this report:**

- As of June 30, 2009, there were 114,601 foreign-born individuals serving in the armed forces, representing 7.91 percent of the 1.4 million military personnel on active duty. Roughly 80.97 percent of foreign-born service members were naturalized U.S. citizens, while 12.66 percent were not U.S. citizens.
- In Fiscal Year (FY) 2009, 10,505 members of the U.S. military were naturalized. Naturalizations of immigrants in the military are at their highest during times of war.
- The September 11 attacks precipitated immediate changes in policies on immigrants in the military. Once the nation was at war, immigrants in the armed forces were eligible for naturalization under the special wartime military naturalization statute. As of October 2009, more than 53,000 immigrants had taken advantage of this provision to become U.S. citizens.
- Recognizing that immigrants could provide special assistance to the armed forces as translators, Congress in 2006 passed a law providing for up to 50 immigrant visas per year for translators serving in Iraq and Afghanistan.<sup>1</sup> Congress briefly expanded this number to 500, and later enacted laws allowing additional immigrant visas for Iraqis and Afghans who had worked overseas for the U.S. government.
- Despite the important contributions of immigrants to the military, Congress still has not passed the Development, Relief, and Education Act for Alien Minors (DREAM) Act, which would legalize young undocumented immigrants—when they pursue a college education or serve in the U.S. military—if they entered the United States before the age of 16, graduated from a U.S. high school, stayed out of trouble with the law, and have at least five years’ continuous presence in the United States.

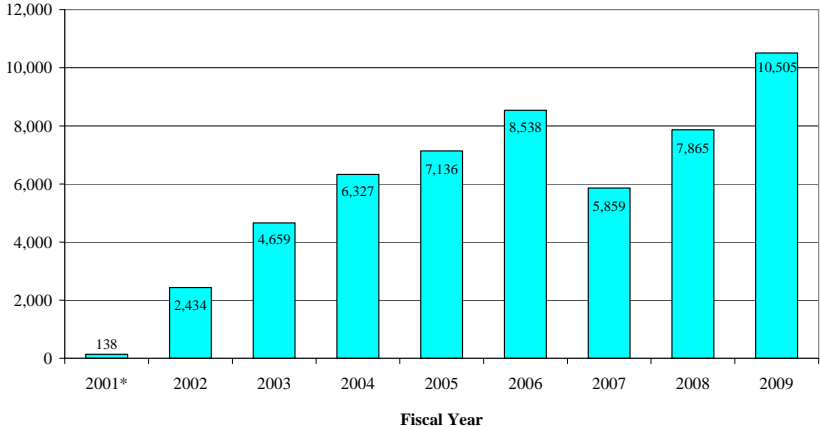
# INTRODUCTION

From the Revolutionary War to the current conflicts in Afghanistan and Iraq, immigrants have made significant contributions to the United States by serving in our military forces. Today, immigrants voluntarily serve in all branches of the U.S. military and are a vital resource in the ongoing conflict against Al Qaeda and its affiliates. The laws governing their service are complex, but generally speaking, immigrants residing in the United States who are not citizens—both legal and undocumented—have the same obligation to defend the United States as U.S. citizens. To recognize their unique contribution, immigrants serving honorably in the military who are not yet U.S. citizens are granted significant advantages in the naturalization process. Over the past eight years, Congress has amended military-related enlistment and naturalization rules significantly, allowing for expanded benefits for immigrants and their families and encouraging recruitment of immigrants into the U.S. armed forces. These changes have substantially enhanced America’s ability to fight. Moreover, because of these changes, many immigrants continue to see military service as an attractive career option. As of June 30, 2009, there were 114,601 foreign-born individuals serving in the U.S. Armed Forces, representing 7.91 percent of the 1.4 million military personnel on active duty. Roughly 80.97 percent of foreign-born service members were naturalized U.S. citizens, while 12.66 percent were not U.S. citizens.<sup>2</sup>

## History of Immigrants in the Military

Immigrants have been eligible to enlist in the U.S. military since the Revolutionary War and have served in times of war with great distinction. Many have won the Congressional Medal of Honor, this nation’s highest military decoration. It has long been an American tradition that service in the armed forces can lead to U.S. citizenship. Immigrants who have served in the U.S. military and by so doing earned their citizenship include Alfred Rascon, an undocumented immigrant from Mexico who won the Medal of Honor during the Vietnam War and later became a U.S. citizen and eventually the Director of the Selective Service System. Immigrants also have been promoted to the highest ranks of the U.S. military. The most prominent contemporary example is General John Shalikashvili, former Chairman of the Joint Chiefs of Staff, who came to the United States from Poland shortly after World War II. In Fiscal Year (FY) 2009 alone, 10,505 members of the military were naturalized (Figure 1).<sup>3</sup> Naturalizations of immigrants in the military are at their highest during times of war.<sup>4</sup>

**Figure 1: Members of U.S. Armed Forces Naturalized in United States & Abroad, FY 2001-2009**



\* FY 2001 numbers are only for naturalizations that took place after 9/11.

Data provided to the author by U.S. Citizenship & Immigration Services, October 30, 2009.

## **Immigrants in the Military Before 9/11**

As the attacks against the World Trade Center and the Pentagon unfolded on September 11, 2001, immigrants were serving in all branches of the U.S. military. The vast majority were lawful permanent residents (LPRs) who had enlisted after having obtained their “green cards.” Enlistment in the different branches of the military was governed by different statutes and regulations, but generally speaking, the military services were not permitted to accept recruits who were not U.S. citizens or LPRs. For example, the 2001 Army enlistment statute stated: “In time of peace, no person may be accepted for original enlistment in the Army unless he is a citizen of the United States or has been lawfully admitted to the United States for permanent residence...”<sup>5</sup>

Immigrants serving in the military could, however, obtain U.S. citizenship in an expedited fashion. While most LPRs were required to wait five years before applying for U.S. citizenship, those in the military were permitted to apply after three years. Yet they could not apply unless they had LPR status and they were subject to all other naturalization requirements, including the requirement that they be present in the United States to take their oath of allegiance.<sup>6</sup>

All immigrants who did not come to the United States on non-immigrant visas also were—and are—potentially subject to the draft. Congress has long required all foreign-born males age 18 to 26 who are living in the United States to register for Selective Service and to serve in the military if drafted.<sup>7</sup> Even undocumented immigrants are required to register.<sup>8</sup> While there has been no serious effort to start a draft, the military services could draft undocumented immigrants should the draft be reinstated. Failure to register for Selective Service may temporarily or permanently bar an immigrant from naturalizing. A conviction for desertion in time of war or a claim of exemption from military service on the grounds of “alienage” (that is, not being a native of the United States) may result in a permanent bar to naturalization.<sup>9</sup>

## **Wartime Naturalization Powers After 9/11**

The September 11 attacks precipitated immediate changes in policies on immigrants in the military. Once the nation was at war, immigrants in the armed forces were eligible for naturalization under the special wartime military naturalization statute. Section 329 of the Immigration & Nationality Act (INA) gives the President authority to proclaim that, when the nation is engaged in armed conflict, immigrants who are in the military can obtain their U.S. citizenship regardless of their length of residency or immigration status.<sup>10</sup> Presidents have long invoked this statute to bestow citizenship benefits on immigrants in the military and President Bush did so on July 3, 2002, proclaiming that all immigrants who have served honorably on active duty in the armed forces after September 11, 2001, shall be eligible to apply for expedited U.S. citizenship.<sup>11</sup> His order—which effectively meant that one day’s service on active duty would make an immigrant eligible to apply for U.S. citizenship—included undocumented immigrants. After the order was issued, undocumented immigrants who had ended up in the military by accident<sup>12</sup> or through the use of false documentation<sup>13</sup> were able to naturalize, despite their lack of LPR status.<sup>14</sup> As of October 2009, more than 53,000 immigrants—both LPRs and others—had taken advantage of this provision to become U.S. citizens.<sup>15</sup> President Bush’s declaration that immigrants in the military were eligible for expedited naturalization also triggered the application of Section 329A of the INA, an existing statute allowing for posthumous U.S. citizenship to be granted to immigrants who die on active duty during periods of conflict.<sup>16</sup> By mid-2009, more than 119 immigrant military members had earned their citizenship posthumously after dying in combat in Afghanistan and Iraq.<sup>17</sup>

## **Congressional Actions to Enhance Military Immigration Benefits**

### *Faster Naturalization*

On November 24, 2003, Congress passed a budget authorization for the Department of Defense that included additional naturalization and other immigration benefits for military members and their families. The National Defense Authorization Act for Fiscal Year 2004<sup>18</sup> reduced the period of peacetime service required for immigrants to qualify for naturalization from three years to one year. This provision was made retroactive to September 11, 2001.<sup>19</sup> The same law waived all naturalization fees for military members, effective October 1, 2004;<sup>20</sup> allowed for revocation of citizenship if a person naturalized through military service and then separated from the armed forces with less than an honorable discharge before serving for five years;<sup>21</sup> authorized naturalization proceedings to be conducted entirely overseas, effective October 1, 2004;<sup>22</sup> and extended military naturalization benefits, retroactive to September 11, 2001, to members of the “Selected Reserve” of the “Ready Reserve.”<sup>23</sup> Finally, the law extended eligibility for citizenship to the surviving spouses of military members granted posthumous citizenship, and granted special adjustment-of-status benefits to the foreign spouses, parents, and children of U.S. citizens, LPRs, and other immigrants granted posthumous citizenship when the military member died in combat.<sup>24</sup>

### *Changes in Enlistment Statutes*

In January 2006, Congress substantially changed the military enlistment statutes, repealing the separate statutes that had previously governed enlistment in each of the services and replacing them with a single statute. This new statute gave the Secretaries of the separate services authority to waive the requirement that a person seeking to enlist have U.S. citizenship or LPR status if they determine “that such enlistment is vital to the national interest.”<sup>25</sup> The new statute also deleted the former statutory distinction between “time of peace” and “time of war.”<sup>26</sup> Secretary of Defense Robert Gates invoked this authority in November 2008, authorizing a new pilot program titled “Military Accessions Vital to the National Interest” (MAVNI), under which up to 1,000 legal non-citizens with critical skills would be allowed to join the U.S. Armed Forces despite their lack of LPR status.<sup>27</sup> Under the MAVNI program, the Army, Navy, and Air Force began recruiting certain non-LPR, but lawfully present, non-citizens who were licensed health care professionals or fluent in one of thirty-five strategic languages. At the time of this writing, the pilot program was judged to be highly successful.<sup>28</sup>

### *New Visas for Translators*

Recognizing that immigrants could provide special assistance to the armed forces as translators, Congress in 2006 also passed a law providing for up to 50 immigrant visas per year for translators serving in Iraq and Afghanistan.<sup>29</sup> Given the great need for Arabic, Pashto, Dari, and other translators, Congress later recognized that this number was too low and expanded the quota temporarily to 500 for two fiscal years, but the quota reverted back to 50 for FY 2009. Section 1244 of the Defense Authorization Act for FY 2008 authorized 5,000 special immigrant visas for Iraqi employees and contractors each year for fiscal years 2008 through 2012, as well as their spouses and children. These visas have been available for certain Iraqi nationals who worked for, or were contractors of, the U.S. government in Iraq for at least one year after March 20, 2003; the beneficiaries need not have worked as translators or interpreters. In early 2009, Congress also created a similar, new special immigrant visa program for Afghans.<sup>30</sup>

The Pentagon also provided additional avenues for qualified translators to serve in the military. The Army devised a special “O9L” translator aide program for enlisted soldiers<sup>31</sup> and sought recruits

through Arabic language advertising during World Cup soccer matches.<sup>32</sup> Recruits like Kuwaiti-born Corporal Yousef A. Badou, a Marine who has served three tours of duty in Iraq and who speaks Arabic fluently, are said to be “force multipliers” for the armed forces in that they strengthen the military far more than their numbers alone would suggest.<sup>33</sup>

### **Agency Actions to Enhance Military Immigration Benefits**

In response to these changes in the law, U.S. Citizenship and Immigration Services (USCIS), the agency in the Department of Homeland Security (DHS) charged with processing the immigration-related petitions of military members, placed increased emphasis on military naturalization processing. USCIS held its first overseas military naturalization ceremonies in 2004,<sup>34</sup> and more than 7,000 immigrant members of the military had become U.S. citizens in overseas ceremonies by the end of FY 2009.<sup>35</sup> USCIS reduced the processing time for military naturalization applications substantially by improving liaison with military units and using mobile fingerprinting units on military bases. USCIS also worked with military officials to process non-citizen soldiers for naturalization during their state-side training. After Army Specialist Kendall K. Frederick was killed while traveling in a convoy on his way to a base in Iraq where he could check on his citizenship paperwork,<sup>36</sup> Congress enacted a law allowing for the use of enlistment fingerprints for naturalization purposes.<sup>37</sup> By the time the law was passed, however, USCIS had already created internal processes for improving biometrics collection from military naturalization applicants; as a practical matter, therefore, this new law will have little impact. When military naturalization programs put in place by USCIS and DOD in 2009 are fully implemented, most soldiers will become citizens before they deploy so that future posthumous citizenship grants should be rare.

### **Recognition of the Role of Immigrants in the Military**

In April 2005, the Center for Naval Analyses published a comprehensive report on immigrants in the military. The report noted that immigrants add valuable diversity to the armed forces and perform extremely well, often having significantly lower attrition rates than other recruits. The report also pointed out that “much of the growth in the recruitment-eligible population will come from immigration.”<sup>38</sup> Similarly, the February 2006 Quadrennial Defense Review highlighted the key role that immigrants play in the Department of Defense and called for increased recruitment in all branches of the military of immigrants who are proficient in languages other than English—particularly Arabic, Farsi, and Chinese.<sup>39</sup>

On July 10, 2006, the Senate Armed Services Committee held an unusual field hearing devoted entirely to the role of immigrants in the military. At the hearing, Dr. David S. C. Chu, the Undersecretary of Defense for Personnel and Readiness, testified that immigrants are “a vital part of this country’s military” and provide “the Services with a richly diverse force in terms of race/ethnicity, language, and culture.”<sup>40</sup> The Chairman of the Joint Chiefs of Staff, Peter Pace, testified that more than 8,000 immigrants were joining the armed forces each year and that nearly 200 of them had won significant awards in combat since 9/11.<sup>41</sup> USCIS Director Emilio Gonzalez testified that his agency was making efforts to improve the processing of petitions from military members, including special procedures for expediting the processing of fingerprints and security checks.<sup>42</sup>



## The DREAM Act Remains a Dream

Despite the important contributions of immigrants to the military in the ongoing conflicts, one proposal that would allow more immigrants to serve in the armed forces has made little headway in the past eight years, despite bipartisan support. The Development, Relief, and Education Act for Alien Minors (DREAM) Act would legalize young undocumented immigrants who entered the United States before the age of 16, have at least five years' continuous presence in the United States, graduated from a U.S. high school, and stayed out of trouble with the law.<sup>43</sup> Upon applying for benefits under the DREAM Act, an undocumented immigrant would be granted six years of "conditional lawful resident" status. During that time, the immigrant must (1) graduate from a two-year college, or (2) complete at least two years towards a four-year college degree, or (3) serve honorably in the U.S. military for at least two years. At the end of the six years, if the immigrant has continued to show "good moral character," he or she would be granted LPR status without conditions. Because attending college is a very expensive proposition, the third option—joining the armed forces—is a likely choice for many of the young people who would be affected by the bill, hundreds of whom have already demonstrated an interest in joining the military.

Although opponents of the DREAM Act have argued that it is a "sugar-coated amnesty" rewarding those who have violated U.S. immigration laws, passage of the bill would be highly beneficial to the U.S. military. Passage of this bill could provide a new source of soldiers with foreign language qualifications. While the Armed Forces have reported recently that they are meeting their recruiting goals,<sup>44</sup> they are still short recruits with foreign language and cultural skills. Over the coming years, it will become increasingly difficult for the armed forces to attract enough qualified recruits.<sup>45</sup>

The DREAM Act requires no change to military rules for enlisting recruits and allows the military to tap an overlooked pool of home-grown talent. The Migration Policy Institute has estimated that "if the act [had been] signed into law in 2006, about 279,000 unauthorized youth would be newly eligible persons for college enrollment or the U.S. military."<sup>46</sup> Under current immigration law, these young people have no means of legalizing their status. Despite having attracted more than 200 cosponsors from both sides of the political aisle, DREAM Act bills have repeatedly failed to pass in both the House and Senate since first being introduced in 2003. One version of the bill passed the Senate in May 2006, but its counterpart did not pass in the House.<sup>47</sup> Interestingly, the Pentagon already has statutory authority under its new enlistment statute to implement the provisions contained in the DREAM Act, but has chosen not to do so.<sup>48</sup>

## Conclusion

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The United States has been at war for more than eight years. As a war against a highly mobile and global enemy, the conflict has been and is being fought all over the world and in many different languages. Immigrants play key roles in military, intelligence, and information operations. Thousands of immigrants serve in all branches of the military. Without them, the military could not meet its recruiting goals and could not fill the need for foreign-language translators, interpreters, and cultural experts. Given the unique and valuable functions that immigrants often perform in the military, they are a critical asset to the national defense. Immigrants have been and continue to be essential to the fight.

## Endnotes

- <sup>1</sup> National Defense Authorization Act of 2006, §1059, Pub. L. 109-163, 119 Stat. 3136.
- <sup>2</sup> Data provided to the author by the Defense Manpower Data Center, August 19, 2009.
- <sup>3</sup> Data provided to the author by U.S. Citizenship and Immigration Services, October 30, 2009. Note that USCIS data on naturalizations of service members differs from that published by the DHS Office of Immigration Statistics.
- <sup>4</sup> See Office of Immigration Statistics, U.S. Department of Homeland Security, *Yearbook of Immigration Statistics: 2008*, [Table 20: Petitions for Naturalizations filed, Persons Naturalized, and Petitions for Naturalization denied: Fiscal Years 1907 to 2008](#).
- <sup>5</sup> 10 U.S.C. §3253 (2001).
- <sup>6</sup> INA §328(a), 8 U.S.C. §1439 (2001).
- <sup>7</sup> 50 U.S.C.S. Appx § 453 (2003).
- <sup>8</sup> See Selective Service System, [“Who Must Register? – Chart”](#) (last updated July 1, 2009).
- <sup>9</sup> See INA §314, 8 U.S.C. §1426; see also National Immigration Project of the National Lawyers Guild & Daniel Levy, *U.S. Citizenship & Naturalization Handbook* (Eagan, MN: Thomson West, 2006), §8:26-8:32 (military-related bars to naturalization).
- <sup>10</sup> Section 329 of the INA [8 U.S.C. § 1440].
- <sup>11</sup> Ex. Or. No. 13,269 of July 3, 2002, 67 Fed. Reg. 45, 287 (July 8, 2002).
- <sup>12</sup> Some immigrants with an Employment Authorization Document (EAD) but not a green card mistakenly believe that they are eligible to enlist, and some military recruiters have been unaware of the difference between an EAD and a green card and have inadvertently allowed immigrants to enlist who are not actually eligible to do so under military regulations requiring a green card for enlistment. Today, however, the US armed forces check each recruit’s immigration status with the Department of Homeland Security, so such errors are extremely rare.
- <sup>13</sup> See Douglas Gillison, [“The Few, the Proud, the Guilty: Marines Recruiter Convicted of Providing Fake Documents to Enlist Illegal Aliens,”](#) *Village Voice*, October 11, 2005. This article notes that the Pentagon began verifying the alien registration numbers of recruits with the Department of Homeland Security in 2004 after learning that many undocumented immigrants were enlisting with false green cards.
- <sup>14</sup> Florangela Davila, [“Army Private Receives New Rank: U.S. Citizen,”](#) *Seattle Times*, February 12, 2004 (recounting story of Juan Escalante, an undocumented immigrant who received his U.S. citizenship through service in the Army).
- <sup>15</sup> Data provided to the author by U.S. Citizenship and Immigration Services, October 30, 2009; see also Adriana Garcia, [“Many Taking Military Shortcut to U.S. Citizenship,”](#) Reuters, October 16, 2006.
- <sup>16</sup> INA §329A, 8 U.S.C. §1440-1, added by Section 2 of the Posthumous Citizenship for Active Duty Service Act of 1989, Pub. L. 101-249, 104 Stat. 94 (Mar. 6, 1990).
- <sup>17</sup> U.S. Citizenship and Immigration Services, [Fact Sheet: Naturalization Process for the Military](#), May 1, 2009.
- <sup>18</sup> National Defense Authorization Act for Fiscal Year 2004, Pub. L. 108-136 [hereinafter NDAA 2004].
- <sup>19</sup> NDAA 2004, §1701(a).
- <sup>20</sup> NDAA 2004, §1701(b).
- <sup>21</sup> NDAA 2004, §1701(c)(2).
- <sup>22</sup> NDAA 2004, §1701(d).
- <sup>23</sup> NDAA 2004, §1702. The Selected Reserve includes members of the Reserve Components who are obligated to “drill” (attend training) on a regular basis and who are more likely to be mobilized. Under this change to the law, National Guard members performing state duty after 9/11 were eligible for expedited military naturalization even if they had no federal active duty service.
- <sup>24</sup> NDAA 2004, §1703.
- <sup>25</sup> 10 U.S.C. §504 (2006).
- <sup>26</sup> The elimination of this distinction will create a legal problem if in the future any non-LPR immigrants are permitted to enlist in peacetime. In time of war, such immigrants would have an avenue for obtaining U.S. citizenship; but in time of peace, they would not because the U.S. military cannot normally sponsor them for LPR status. Thus, in peacetime, the military would have authority to enlist them but could not help them to become citizens, leaving them in a legal limbo of sorts—without LPR status, they cannot naturalize in peacetime and service in the military will not qualify them for LPR status.
- <sup>27</sup> See Department of Defense News, Fact Sheet: [Military Accessions Vital to the National Interest](#).
- <sup>28</sup> Brian Mitchell, [“Army in New Push for Skilled Immigrants,”](#) Military.com, July 9, 2009.
- <sup>29</sup> National Defense Authorization Act of 2006, §1059, Pub. L. 109-163, 119 Stat. 3136.
- <sup>30</sup> See Afghan Allies Protection Act of 2009, enacted in the Omnibus Appropriations Act, Pub. L. No. 111-8 (March 11, 2009), §§601-602.
- <sup>31</sup> Andrea Elliott, [“For Recruiter Speaking Arabic, Saying ‘Go Army’ Is A Hard Job,”](#) *New York Times*, October 7, 2006.
- <sup>32</sup> Michelle Tan, “New Recruiting Ads Target Arab Speakers,” *Army Times*, June 21, 2006.
- <sup>33</sup> Ken Melton, [“Profile: U.S. Marine Corps Cpl. Yousef A. Badou: Kuwaiti-born Marine on Third Deployment in Iraq,”](#) DefendAmerica News, October 28, 2005; Andrea Elliott, [“For Recruiter Speaking Arabic, Saying ‘Go Army’ Is A Hard Job,”](#) *New York Times*, October 7, 2006.
- <sup>34</sup> U.S. Citizenship & Immigration Services, [“Press Release: First U.S. Military Naturalizations in Europe and the Middle East,”](#) October 6, 2004.

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- <sup>35</sup> Data provided to the author by U.S. Citizenship and Immigration Services, October 30, 2009; Gina Cavallaro, "His Country, His Cause: Gambia Native, 30 Other Soldiers Become Citizens," *Army Times*, September 11, 2006.
- <sup>36</sup> Laura Barnhardt, "Fallen Soldier Was Seeking U.S. Citizenship," *Baltimore Sun*, November 2, 2005.
- <sup>37</sup> Jessica Kartalija, "[New Citizenship Law Honors Fallen Soldier](#)," WJZ, June 21, 2008.
- <sup>38</sup> Anita U. Hattiangadi, et al., [Non-Citizens in Today's Military: Final Report](#) (Alexandria, VA: Center for Naval Analyses, April 2005), p. 5.
- <sup>39</sup> Department of Defense, [Quadrennial Defense Review Report](#), February 6, 2006, p. 78-79.
- <sup>40</sup> [Statement of David S. C. Chu](#), Under Secretary of Defense for Personnel and Readiness, before the Senate Committee on the Armed Services, regarding "Contributions of Immigrants to the United States Armed Forces," July 10, 2006.
- <sup>41</sup> Statement of General Peter Pace, Chairman of the Joint Chiefs of Staff, before the Senate Committee on the Armed Services, regarding "Contributions of Immigrants to the United States Armed Forces," July 10, 2006.
- <sup>42</sup> [Statement of Emilio T. Gonzalez](#), Director of U.S. Citizenship and Immigration Services, before the Senate Committee on the Armed Services, regarding "Contributions of Immigrants to the United States Armed Forces," July 10, 2006.
- <sup>43</sup> Development, Relief, and Education for Alien Minors Act of 2009, S. 729, 111<sup>th</sup> Cong. (2009) (a bill that would provide temporary residence to certain unlawfully present young people, allowing them to obtain permanent status if they attend college or join the military).
- <sup>44</sup> Gerry J. Gilmore, "[Army, Other Services Have Record Recruiting Year](#)," American Forces Press Service, October 14, 2009.
- <sup>45</sup> Christian Davenport & Emma Brown, "Girding for an Uphill Battle for Recruits," *Washington Post*, Nov. 5, 2009; Eric Schmitt, "[Army Officials Voice Concern Over Shortfall in Recruitment](#)," *New York Times*, March 4, 2005.
- <sup>46</sup> Jeanne Batalova and Michael Fix, [New Estimates of Unauthorized Youth Eligible for Legal Status under the DREAM Act](#) (Washington, DC: Migration Policy Institute, October 2006), p. 1.
- <sup>47</sup> A version of the DREAM Act passed the Senate as part of the Comprehensive Immigration Reform Act of 2006, S.2611 (Title VI, Subtitle C) in May 2006, but failed to pass the House of Representatives.
- <sup>48</sup> See [Statement of David S. C. Chu](#), Under Secretary of Defense for Personnel and Readiness, before the Senate Committee on the Armed Services, regarding "Contributions of Immigrants to the United States Armed Forces," July 10, 2006. ("Under current law, these young people are not eligible to enlist in the military, until and unless the Armed Services determine that it is vital to the national interest as provided by [10 U.S.C. §504].").