



NHCSL

THE NATIONAL HISPANIC CAUCUS OF STATE LEGISLATORS

RESOLUTION

No. 2019-26

Providing Medical Treatment and Other Benefits for Deported Veterans of the United States Armed Forces

Reported to the Caucus by the NHCSL
Veterans and Military Affairs Task Force
Sen. Nilsa Cruz Pérez (NJ), Chair

Sponsored by Rep. Diego Espinoza (AZ)

Unanimously ratified by the Caucus on December 5, 2019

1 **WHEREAS**, at least 239 veterans of the United States armed forces have been
2 deported to at least 34 countries;¹ and,

3 **WHEREAS**, those who have been deported after honorably serving our country have
4 been denied medical treatment and other benefits from the United States Department
5 of Veterans Affairs (VA), ²and;

¹See *Discharged, then Discarded*, a 2016 report on how immigrant veterans are denied naturalization and being deported, barring them from receiving healthcare benefits and making them homeless (Page 9, American Civil Liberties Union, 2016)(<https://www.aclusocal.org/sites/default/files/dischargedthendiscarded-acluofca.pdf>).

² According to the U.S. Department of Veteran Affairs, eligible former members of the United States Armed Services are entitle to Health care coverage; even though every member is provided care, total coverage and benefits is determined by the priority group. (<https://www.va.gov/health-care/eligibility/>) [Priority Groups are 8 sub-classifications that affect the percentage of coverage and the access to medical benefits. The group is determined by military service history, Income level, disability rating and Medicaid qualification, the advice of their VA primary physician and the medical standard of the condition; (<https://www.va.gov/health-care/eligibility/priority-groups/>)]

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6 **WHEREAS**, veterans who are deported and who were not seen by a VA doctor for
7 evaluation are not allowed to claim their disabilities;³ and,

8 **WHEREAS**, veterans who would otherwise seek treatment for post-traumatic stress
9 disorder or other war-related injuries are denied approval unless they are about to
10 die;⁴ and,

11 **WHEREAS**, deported veterans have died waiting for approval for medical treatment
12 on the border; and,

13 **WHEREAS**, these men and women have served in the United States armed forces and
14 have earned the right to receive medical treatment and benefits.

15 **THEREFORE, BE IT RESOLVED** that the National Hispanic Caucus of State Legislators
16 calls on the United States Congress to enact legislation providing medical treatment
17 and other benefits to all veterans of the United States armed forces including those
18 who have been deported.

19 THE NHCSL EXECUTIVE COMMITTEE UNANIMOUSLY AMENDED AND APPROVED
20 THIS RESOLUTION ON DECEMBER 3, 2019 AT ITS FALL MEETING IN SAN JUAN, PR.

21 THE NATIONAL HISPANIC CAUCUS OF STATE LEGISLATORS UNANIMOUSLY
22 RATIFIED THIS RESOLUTION ON DECEMBER 5, 2019, AT THE ANNUAL MEETING
23 IN SAN JUAN, PR.

³ Deported Military member cannot receive a Compensation and Pension Exam, hence not being able to receive disability benefits (<https://www.va.gov/disability/va-claim-exam/>). In order for Veterans to claim disability benefits, they must have a service related disabling condition acquired during or after their time in the Armed Forces [see *U.S. Department of Veteran Affairs Disability Compensation Eligibility* (<https://www.va.gov/disability/eligibility/>)]. After disability is filed in many cases a Compensation and Pension Exam (C&P Exam) where a VA appointed physician must examine the candidate to assess the level of disability [see *VA Claim Exams* (<https://www.va.gov/disability/va-claim-exam/>)]. Since the deported veterans are in countries where there are not U.S. military bases nor they had a C&P Exam prior to deportation, it is impossible for them claim disability benefits [see *Discharged, then Discarded*; In the Study it was found that since deported veterans didn't get examined by a VA physician prior to deportation, making it impossible for them to claim benefits (page 45, American Civil Liberties Union, 2016) (<https://www.aclusandiego.org/wp-content/uploads/2017/06/DischargedThenDiscarded-ACLUofCA.pdf>)].

⁴ See *Discharged, then Discarded* for Example; Jose Solorio served in the Marines and was Deported in 2001 losing his Lawful Permanent Resident Status, despite of this, he was allowed passage back to the US and admitted t the Veteran Affairs Hospital in San Diego due to his critical Condition (Page 46, American Civil Liberties Union, 2016) (<https://www.aclusocal.org/sites/default/files/dischargedthendiscarded-acluofca.pdf>)