



## Legislation Text

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**File #:** Res 0159-2004, **Version:** \*

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### Res. No. 159

Resolution calling upon President George W. Bush and the United States Bureau of Citizenship and Immigration Services to immediately grant United States citizenship to the more than 37,000 non-citizen legal permanent residents currently serving in the United States Armed Forces.

By Council Members Martinez, Baez, Barron, Brewer, Clarke, Comrie, Foster, Jackson, Jennings, Katz, Koppell, Liu, Lopez, Monserrate, Perkins, Quinn, Seabrook, Stewart, Vann, Weprin, Dilan and Fidler

Whereas, As of December 31, 2003 there were approximately 1.46 million people serving in the United States Armed Forces on active-duty military status around the world, and hundreds of thousands more serving in various Reserve and National Guard programs; and

Whereas, As of September 30, 2003, there were nearly 200,000 members of the United States Armed Forces deployed in the Persian Gulf region who served in Operation Iraqi Freedom, some of whom made the ultimate sacrifice by dying in service to the United States; and

Whereas, According to the United States Department of Defense, there are more than 37,000 non-citizen legal permanent residents currently serving in the United States Armed Forces; and

Whereas, Recent reports have highlighted the stories of Gunnery Sergeant Joseph Menusa, originally of the Philippines, Corporal Jose Angel Garibay, a native of Mexico and Lance Corporal Jose Gutierrez, who was born in Guatemala, three non-citizen legal permanent residents serving in the Marines who were killed in action during Operation Iraqi Freedom; and

Whereas, These three brave Marines were recently granted posthumous United States citizenship under Section 329-A of the Immigration and Nationality Act [8 U.S.C 1440-1], which permits granting of posthumous citizenship through death while on active-duty service in the United States Armed Forces during World War I, World War II, The Korean Hostilities, The Vietnam Hostilities, or in other periods of Military Hostilities; and

Whereas, Gunnery Sergeant Menusa, Corporal Garibay and Lance Corporal Gutierrez are among three of the ten non-citizen legal permanent residents who have been killed in action during Operation Iraqi Freedom, a total that also includes Staff Sergeant Riayan Tejeda, an eight-year veteran of the United States Marine Corps and a resident of the Washington Heights section of New York

City; and

Whereas, At the time of his death in Iraq on April 11, 2003, Staff Sergeant Tejeda was still trying to become a citizen of the United States despite a Presidential Executive Order signed by President George W. Bush on July 3, 2002 that expedited the naturalization process of aliens and non-citizen nationals serving in an active-duty status during the country's War on Terrorism; and

Whereas, Section 329 of the Immigration and Nationality Act [8 U.S.C. 1440] permits naturalization through active-duty service in the United States Armed Forces during World War I, World War II, The Korean Hostilities, The Vietnam Hostilities, or in other periods of Military Hostilities; now, therefore, be it

Resolved, That the Council of the City of New York calls upon President George W. Bush and the United States Bureau of Citizenship and Immigration Services to immediately grant United States citizenship to the more than 37,000 non-citizen legal permanent residents currently serving in the United States Armed Forces.