



Obama Executive Action Will Allow Illegal Immigrants in Military

Under a new Obama administration  Department of Defense policy made public on September 25, a small number of aliens living in the United States illegally will be allowed to join the military. The program, known as Military Accessions Vital to National Interest (MAVNI), will be open to immigrants without a legal visa if they came to the United States with their parents before the age of 16. Applicants are subject to approval under a 2012 Obama administration policy known as Deferred Action for Child Arrivals (DACA).

DACA is a memorandum authored by the Obama administration on June 15, 2012 and subsequently implemented by then-Secretary of the Department of Homeland Security Janet Napolitano. It directs U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), and U.S. Immigration and Customs Enforcement (ICE), to practice "prosecutorial discretion" toward some individuals who were brought to this country illegally as children and have remained in the country illegally.

DACA was a prime example of the Obama administration implementing policies through executive action that had previously been rejected legislatively. It was issued in response to the failure of Congress to pass the DREAM (Development, Relief, and Education for Alien Minors) Act, which was introduced in the Senate in 2001. Had the act passed, it would have provided conditional permanent residency to certain aliens who had been brought to the United States illegally as children, had graduated from U.S. high schools, and had lived in the country continuously for at least five years prior to the bill's enactment. If they were to complete two years in the military or a four-year college or university, they would have obtained temporary residency for a six-year period.

Varying versions of the DREAM Act were introduced in the 107th through 111th Congresses, and President Obama supported the 2011 version of the bill as part of his efforts to accomplish "immigration reform." Though the legislation had not passed, on June 15, 2012, Obama announced that his administration would stop deporting young illegal immigrants who met certain criteria previously proposed under the DREAM Act. In August 2012, 10 ICE agents sued DHS Secretary Janet Napolitano, saying the directive forced them to break the law and ignore their duties.

Under the new policy, up to 1,500 illegal immigrants per year will be allowed to serve in the U.S. military, but the true figures remain uncertain. Military recruiters under the MAVNI program would be most willing to consider immigrants with language skills important to national security, such as Arabic, Chinese, Pashto, or Persian.

"We're just not sure how many within that existing population of DACA would have the linguistic skills to qualify," a defense official familiar with the policy change told *Military Times*. "These are kids who



Written by [Warren Mass](#) on September 26, 2014

entered the country at a fairly young age and have basically grown up in the United States, so the limit of their language talents would probably be the language that they received at home.”

Military Times reported that MAVNI began in 2008 and remains a pilot program. DoD notified Congress on September 25 that though it was due to expire at the end of this fiscal year, it will be extended for another two years and will for the first time include DACA-status immigrants.

It is interesting to note that *Military Times* referred to the young people who would be eligible for military service under the program as “immigrants living in the U.S. illegally,” but when major media publications such as *USA Today* ran the story, they changed their designation to “undocumented immigrants,” which — along with “pathway to citizenship” for “amnesty” — is a term favored by those who want illegal immigrants to remain in this country instead of being deported for violating our immigration laws.

The philosopher George Santayana once noted, “Those who cannot remember the past are condemned to repeat it,” and this latest policy change makes it worth looking back to the last days of the Roman Empire, when the Roman army decided to enlist non-Romans into its ranks.

Because of economic crises caused by rampant inflation, Rome found it difficult to attract recruits among its citizenry, who refused to serve for wages that had lost their value through inflation. Rome engaged in large-scale recruitment of barbarians, and by the middle of the fourth century, barbarian-born men may have accounted for about a quarter of all recruits.

The *Notitia Dignitatum* (a historic document of the late Roman Empire) listed a number of barbarian military settlements in the empire that were an important source of recruits for the army. Groups of Germanic tribesmen were granted land in the empire in return for military service.

Edward Gibbon, in *The Decline and Fall of the Roman Empire*, maintained that the large number of barbarian (non-Roman) recruits resulted in a substantial decline of the army’s effectiveness and was a major factor in the collapse of the Western Roman Empire. Among his reasons for arriving at this conclusion was that the barbarian soldiers recruited by the army, having come from tribes that were historically enemies of Rome, had no loyalty to Rome and often betrayed the empire’s interests. Some even cooperated with invading barbarian tribes, especially if those tribes were their own.

While the administration’s latest action to enlist young men and women who are not in our country legally may not match the Roman experience in its numbers, it still sets a bad precedent. Those who are in violation of our immigration laws should not be trusted to obey the regulations imposed by our military.

Furthermore, it is a violation of the separation of powers for the president to enact policies by executive action that have repeatedly been rejected by Congress.

Photo of President Barack Obama: AP Images

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