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New Program To Help Noncitizen Soldiers Become Naturalized

By Britain Eakin

Law360 (July 11, 2023, 7:51 PM EDT) -- Morgan Lewis & Bockius LLP has launched a new fellowship to guide highly skilled noncitizen soldiers and veterans through the naturalization process and usher them across the finish line, after the firm won litigation ensuring the soldiers and vets can apply for citizenship that was promised in exchange for their service.

The two-year Military Immigration Fellowship, which will be conducted in conjunction with the American Immigration Lawyers Association and the American Immigration Council, will assist soldiers and veterans who enlisted in the U.S. Army through the Military Accessions Vital to the National Interest program with their citizenship applications, the firm announced Monday.

The new fellowship program will also provide legal representation to MAVNI soldiers and vets during naturalization interviews, along with interview preparation, Morgan Lewis partner Jennifer Wollenberg told Law360 in an interview Tuesday.

MAVNI was created to allow noncitizens with particular critical skills — such as doctors, nurses or those with certain language skills — to join the U.S. military and apply immediately for citizenship without first needing to become a legal permanent resident.

Wollenberg co-led three class action lawsuits on behalf of MAVNI participants, the first of which was spurred by the U.S. Department of Defense's sudden halt of the program in 2016 over concerns about insufficient screening procedures, followed by delays to citizenship applications and sudden discharges for other MAVNI program participants.

Wollenberg said the successful litigation removed the legal impediments for MAVNI participants to apply for citizenship, but the fellowship will also give them the individualized assistance they need to realize their dream of becoming U.S. citizens. The fellowship is important for the same reason the underlying class actions were, she said.

"There are thousands of MAVNI soldiers and veterans who brought to the U.S. Army vital language and health care skills, and did everything that was asked of them, but then were left in the cold on the one thing that they were promised in return, which was citizenship," Wollenberg said.

Morgan Lewis sought to right that wrong through litigation, and the fellowship is an extension of that effort, she added.

Joanna Kloet, an immigration attorney who also served as an attorney adviser in the Tenth Circuit for the Executive Office for Immigration Review, was selected to serve as the fellow for the program.

The fellowship will expand the legal support that AILA has already been providing to military service members through its Military Assistance Program, which the association offers in conjunction with legal assistance offices of the U.S. military Judge Advocate General's Corps.

AILA formed the Military Assistance Program after JAG attorneys started getting swamped with complicated immigration legal matters, according to the association's website.

In her new role with the fellowship, Kloet will work alongside AILA, the American Immigration Council and Margaret Stock — a retired lieutenant colonel and immigration attorney who created the MAVNI program — as well as the Military Assistance Program, according to Wollenberg.

Wollenberg said Kloet will work closely over the next two years with Stock, who is currently the primary source for military immigration legal questions, allowing Kloet to develop into "another much-needed resource for military immigration legal questions."

Stock has taken on the lion's share of that work, according to Wollenberg, who said "it will be nice to have somebody else who is able to shoulder some of that."

AILA Executive Director Benjamin Johnson touted the new fellowship in a statement Monday, noting that the association's Military Assistance Program has assisted 3,500 service members in navigating the immigration system since the program began in 2007, with Stock at the helm.

"Morgan Lewis' generosity in creating the Military Immigration Fellowship and Margaret Stock's vital mentorship will allow AILA and the [American Immigration] Council to expand legal support to those who bravely serve our country," he said.

--Editing by Melissa Treolo.