



George and Faith Mayieka - with their sons Jayme, Jake and Jeremy, left to right - rarely saw each other in person after Faith left the country in 2007 to obtain her green card and was permanently barred from rejoining her family in Minnesota.

Photo courtesy  
Faith Mayieka

## 'We are still in tears'

*A frustrated veteran takes his life after a 17-year battle with the U.S. immigration system.*

BY KEN OLSEN

In 2007, a U.S. immigration judge in Minnesota persuaded George Mayieka's wife to withdraw her green card application, return to Kenya and apply at the U.S. embassy in Nairobi. It was a devastating mistake.

Instead of receiving her immigrant visa, Faith Mayieka was permanently barred from rejoining her family in Minnesota - where her husband, a National Guardsman and former Marine Corps reservist, worked as a nurse - because she left the United States without resolving questions about her immigration status.

And after 17 years of fighting for his wife's return, Mayieka took his life in October. "He died because the (U.S.) government let him down," Faith says. "We are still in tears." Mayieka's body was flown to



George Mayieka

Kenya for burial in November, saddling Faith with significant debt while she and her children deal with the loss.

The Mayiekas are among hundreds of families who struggle to navigate a costly and complex immigration system - where mistakes and misunderstandings can have dire consequences - while also dealing with the demands of military service. Six

months before Faith's fateful court hearing, Army veteran Angel Rodriguez told reporters he was worried his wife and their 2-year-old son would be deported while he was on his third deployment to Iraq because she had unknowingly overstayed her visa. "It's hard being away and defending a country that doesn't want you or your family," Rodriguez said, according to the Associated Press.

Congress has long been aware of the issue. Rodriguez and Faith were cited during a 2008 hearing in the House of Representatives as examples of the problems immigrant military family members face. Yet years later, the number of families facing these issues has increased as conflicts have driven people from Ukraine, Central and South America, the Middle East and other countries to seek safe haven in the United States, says Margaret Stock, a leading immigration attorney, Army veteran and Legionnaire based in Anchorage.

In addition, many attorneys don't have the training and experience needed to successfully navigate the complexities of the legal system. For example, Stock says she could have helped Faith Mayieka remain in the United States had she known about her situation before she left: "This case points out that many military members get bad legal advice about immigration law."

Such tragedies could be prevented if Congress undertook the type of immigration overhaul outlined in resolutions passed by The American Legion's National Executive Committee in October. This includes a call for "legislation protecting veteran immigrants and their immediate family members from deportation, so long as they do not have a felony conviction and the veteran was honorably discharged," Resolution 9 states.

George and Faith Mayieka met these standards.

**'Proud military guy'** George Mayieka is emblematic of immigrant servicemembers the United States has relied upon since the Revolutionary War. The youngest of 10 children, he came to the United States to study nursing in 1993 while continuing to help his family.

"He was the most supportive of all of the children," says Elizabeth Marigi, his sister.

George met fellow Kenyan immigrant David Bichanga at the Minneapolis-area nursing home where they worked, and the pair joined the Marine



*George Mayieka, center, is pictured with fellow Marine reservists Erik Eshom, left, and David Bichanga at Marine Wing Support Squadron 471 in Minneapolis in 2002. Mayieka and Bichanga joined together in 1999. Photo courtesy David Bichanga*

Corps Reserve in 1999. They were called to active duty during Operation Iraqi Freedom and served with a replacement unit at Marine Corps Air Station New River in North Carolina.

Mayieka became a naturalized U.S. citizen in 2004, completed his eight-year commitment to the Marines in 2007, then served three years with the Army National Guard. "He was a very proud military guy, a great father and great friend ... who loved his community and made a difference," Bichanga says. That included distributing children's gifts each year through the Marines' Toys for Tots program.

Faith Mayieka also came to the United States on a student visa. She met George at North Hennepin Community College in Minnesota in 2003. They married the following year. She took a nursing home job after their first son was born, and the couple began working to obtain legal permanent residency status for her. George's family raised the money to hire attorney Brian Aust to help her through the process, Marigi says.

It seemed like a straightforward green-card application, Aust says. George and Faith were married, had a family, and neither had a criminal record or other red flags. But at the final immigration court hearing, a government attorney pulled out an I-9 employment eligibility form Faith submitted for her nursing home job. "There was information on that form that was incorrect," Aust says. "She marked a box that said, 'I am a citizen or national of the U.S.'"

Faith says she didn't understand the question. She was hardly alone. Confusion over the "citizen or national" question was frequently the focus of litigation in immigration court at that time, Aust says. "I probably couldn't give you an off-the-cuff definition of what a national is," he adds.

U.S. immigration authorities once treated the errant checking of the "U.S. citizen or national" box as a case of "misrepresentation" and the consequences usually were not severe, Aust says. That changed when Congress passed harsher

immigration laws in 1996. As a result, “the government’s position was she made a false claim to citizenship,” he says. When Faith attempted to explain her confusion, the judge became agitated, put the proceedings on hold and gave her a choice, Aust says. Either he would rule she had made a false claim of citizenship – which prohibits someone from ever getting legal status in the United States – or she could withdraw her application, return to Kenya and apply for her green card at the embassy in Nairobi.

Aust says he believed the government wouldn’t hold the alleged false citizenship claim over Faith Mayieka’s head and instead viewed forcing her to return to Kenya to deal with her visa as sufficient punishment. That seemed like the best option, as appealing to a higher court was expensive and had little chance of success, he says.

A JAG attorney George subsequently consulted agreed that Faith should pursue her immigrant visa application in Kenya. However, she had the right to apply to stay in the United States rather than agreeing to leave the country and triggering permanent expulsion, Stock says.

She was eligible for the reprieve because, among other things, her husband was in the military.

“I could have fixed the problem,” Stock says. “Unfortunately, by the time George contacted me she had already left.”

Faith returned to Kenya believing she’d soon be back in Minnesota with her husband and 2-year-old son. Aust suspects that rather than allowing Faith a fair shot at a green card, as the immigration judge implied, the government’s attorney sent her court file to the embassy in Nairobi, and she was stuck with a lifetime ban on returning to the United States.

Two years later – in 2009 – the federal government modified the I-9 form. The new version gave respondents the choice of checking either a box that says “I am a U.S. citizen” or another box that indicates “I am a national,” Aust says. That resulted in far less confusion and fewer related issues in immigration court. But it was too late to help Faith.

**Plea for help** Mayieka repeatedly tried to help his wife clear her name and obtain an immigrant visa in the years that followed. His effort took on additional urgency in 2013, when their 7-year-old son suffered a debilitating eye injury while visiting his mother in Kenya.

The American Legion has long advocated for immigration reform that makes it easier for qualified applicants to receive legal status, prioritizes employment-based visas for those with expertise and education that benefit the U.S. economy, and fulfills the nation’s promise to grant citizenship to foreign-born veterans who serve honorably, among other measures.

#### **Resolution 10: Immigration Reform (2024)**

- Supports lifting limits on H1-B visas for skilled professionals who bolster U.S. productivity
- Calls for reform of the costly and cumbersome process for obtaining a green card so as not to exclude viable candidates

#### **Resolution 9: Addressing the Deportation of Non-Citizen Veterans and their Immediate Family Members (2024)**

- Urges legislation allowing expedited citizenship for deported veterans and immediate family members when the former servicemembers served honorably and don’t have a felony conviction
- Supports allowing immigrant veterans to complete the process for obtaining lawful status and citizenship after they complete their military service if they were honorably discharged and don’t have a felony conviction
- Supports legislation protecting immigrant veterans and their immediate family members from deportation if they were honorably discharged and don’t have a felony conviction

#### **Resolution 296: Supporting Fairness for Immigrant Spouses (2016)**

- Encourages Congress to amend the Immigration and Nationality Act to allow immigrant spouses of servicemembers who die while training on military installations to pursue permanent residence status even if they have been married for less than two years as current law requires
- Calls for waiving fees that surviving family members are charged when a relative with a pending citizenship application is killed in combat while serving in the U.S. military

Dan Kowalski, who volunteered with the American Immigration Lawyers Association Military Assistance Program, picked up the case. He asked Minnesota Democratic U.S. Sens. Al Franken and Amy Klobuchar for help and included a 62-page document with George's military records, naturalization documents and letters of support from physicians at the University of Minnesota Medical Center who were treating the couple's injured son.

"George is very invested and a responsible father," Dr. Dara Koozekanani wrote. But he also had to work to support his children, and having Faith back with the family in Minnesota would "play a crucial role in his healing process."

Kowalski also asked Klobuchar to sponsor what's known as a private bill that would clear the way for her to return to the United States. He says Franken and Klobuchar told him they were unable to help Faith Mayieka secure a visa.

Franken resigned from the Senate in 2018 and did not respond to email questions for this story. However, Klobuchar's office says they assisted the Mayiekas several times over the years. This includes contacting the U.S. embassy in Nairobi to advocate on Faith's behalf after her visa application was denied in 2007, according to a Klobuchar spokeswoman. The senator's staff contacted the embassy again when Faith applied for a visa in 2015, "alerting them their case was of interest to a Senate office," and also contacted the embassy in January 2024. Six months later, Klobuchar's office was again told Faith wasn't eligible to receive a U.S. visa.

"Despite the best efforts of our office to push for positive outcomes, these cases don't always go our way," the spokesperson says. But the senator is a strong proponent of comprehensive immigration reform, including cosponsoring the Military Family Parole in Place Act, which would shield the spouses of military families from deportation.

The Mayiekas kept at it despite these setbacks. In 2014, Faith was told she would receive a visa for herself and the couple's youngest son, says Bichanga, who loaned the family the money to cover the cost. But while she was driving to Nairobi to pick up the documents, she received a call from the embassy. The visas had been rescinded, he says.

Subsequent efforts went nowhere. An increasingly depressed George Mayieka went to Kenya in 2023 to make the case for their third child to get a visa. That failed – and was the last time George and Faith saw each other in person. He became ill last September and asked Faith to again request permission to come to the United States to care for him. When Faith's latest application was declined in October, it broke George.

"He told her he had failed to bring her back to the United States," says Bichanga, who spoke with George by phone the day he learned Faith's latest application had been rejected. "I would have thought the U.S. government should have taken into consideration that this guy had sacrificed some of his time to serve his country. This could have been prevented if George and Faith had gotten accurate legal advice."

A week later, George's sister went to the suburban Minneapolis home where he cared for their 101-year-old mother and his two oldest sons. Marigi asked her mother's daytime caregiver if he had seen George. Moments later, she heard him scream, Marigi says. George was dead.

**Needed reform** Aust says he hopes this tragedy will lead the government to drop the lifetime ban for immigrants like Faith and allow them to apply for legal permanent residence.

"Faith's situation is emblematic of the serious harm that comes to families because of unthoughtful standards applied to immigrants," he says. Aust also asks whether the Mayiekas – people who simply want to work to support themselves and their families – are really the sort of people the United States should exclude.

George's family, meanwhile, struggles to find a way out of their grief. "I am heartbroken," his sister says. "I don't think I'll ever be the same."

Still, she hopes the U.S. government will finally allow Faith to rejoin her family in Minneapolis and care for her sons, particularly in the wake of George's death. "It would be good if the kids came home from school and knew Faith was here," she says. "We worry about them – that they may hurt themselves." 🌿

*Ken Olsen is a frequent contributor to The American Legion Magazine.*