

# SOUND OFF!



BULLETIN

THE NEWSLETTER OF VETERANS UNITED FOR TRUTH, INC.

#33

“VETERANS STANDING UP FOR EACH OTHER”

1 OCTOBER 2009

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## MEMBERS AND FRIENDS OF VUFT ~ PLEASE ACT!!

Please read the following article from the Pacific Stars & Stripes and then write your Congressperson at <https://writerep.house.gov/writerep/welcome.shtml> and ask him or her to support the private bill:

H.R.3182: -- Private Bill; For the relief of Hotaru Nakama Ferschke.

**Sponsor:** [Rep Duncan, John J., Jr.](#) [TN-2] (introduced 7/10/2009)    **Cosponsors** (None)

**Committees:** House Judiciary

**Latest Major Action:** 7/20/2009 Referred to House subcommittee. Status: Referred to the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law.

**NOTE:** At present there are **NO** co-sponsors. Please ask you Congressperson to sign on as a co-sponsor and to help ramrod this bill out of committee and through to passage.

Michael Ferschke's memory, his service, and his sacrifice could not be served better than to let his son grow up with his family in Tennessee.

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### MARINE WIDOW NEEDS ACT OF CONGRESS TO LET HER, SON STAY IN STATES

David Allen - Stars and Stripes, Pacific edition - September 30, 2009



Hotaru Ferschke and son Mikey visit the grave of his father Michael Ferschke Jr., who was killed in Iraq before his son was born. She is fighting an immigration law that denied her residency in the U.S. because she was married by proxy after she became pregnant and her husband never returned home to consummate the marriage.

*Photo Courtesy of Robin Ferschke*

CAMP FOSTER, Okinawa — For nearly eight months, Hotaru Ferschke has been honoring her dead husband's wish to raise their son in the Tennessee town where he grew up.

But unless a special bill before Congress is acted on soon, she might be forced to return to Okinawa in January, a victim of inflexibility in U.S. immigration laws.

Sgt. Michael H. Ferschke Jr., 22, a team leader of the Okinawa-based 3rd Reconnaissance Battalion, 3rd Marine Division, was killed Aug. 10, 2008, while conducting house-to-house searches. His death came just a month after the couple were married by proxy by separately signing papers in Iraq and Okinawa.

However, although they had lived together on Okinawa and she was pregnant with their son, who was born in January, the U.S. State Department does not recognize the marriage because it was not consummated after they were wed.

The Ferschke family is hoping a 30-minute documentary that focuses on Hotaru Ferschke's plight will get the public to support their fight. The film, which also documents a soldier's wife who faces deportation because her parents brought her into the U.S. illegally when she was 6 years old, is set for its Internet premiere Oct. 9 at

[www.intheirboots.com](http://www.intheirboots.com).

Hotaru Ferschke has been living with her husband's family in Maryville, Tenn., a small town in the Great Smoky Mountains about 20 miles south of Knoxville, since February. She moved there to honor her husband's wish that his son grow up as an American, surrounded by his family and friends.

But her temporary visa is good for just a year. If nothing changes, she must leave the U.S. in January.

"They are both blending in so well here. She's like our own daughter," said Robin Ferschke, Michael's mother, in a telephone interview from her Maryville home. "Everyone here is fighting to get this cleared up, but it's taking so long."

The glitch is a 57-year-old section of the U.S. Immigration and Nationality Act that was written to prevent marriage fraud. A marriage between a U.S. citizen and a foreign national must be consummated after the wedding for the marriage to be considered valid. The only way to enable Hotaru Ferschke to stay in the U.S. now is the passage of what is known as a "private bill" in Congress to recognize the marriage. The bill was introduced by Tennessee Rep. John Duncan Jr., a Republican.

"It's before the Judicial Committee of Congress now," Robin Ferschke said. "But it's so slow going we're not sure if it will be voted on before Hotaru has to return."

Officials from Duncan's office said Democratic and Republican leaders on the immigration subcommittee have expressed support for the measure, but so far have not given any indication when a vote may come on her citizenship.

The film, titled "Second Battle," is part of a series of documentaries called "In Their Boots" that shows how the wars in Iraq and Afghanistan have affected participants and their families at home.

The documentary shows how Hotaru and little "Mikey" have adapted to life in Maryville and how the Ferschkes are struggling with the thought they might have to leave.

In the documentary Margaret Stock, an immigration attorney, calls the immigration act "a tangle of very complicated rules."

"It doesn't make much sense," she said. "It's not rational. Unfortunately, it's very difficult to get a private bill passed. Only a few are passed every year."

The documentary had a local premiere Sept. 24 in Maryville. Hotaru Ferschke and her mother-in-law said they were overwhelmed by the crowd that came to see it and offer support.

"I am not too good at speaking in public, so I wasn't sure if I could say everything I wanted to tell," Hotaru Ferschke said. "But the film was well made."

As she spoke, Mikey could be heard babbling in the background.

"He is 8 months old now and growing so quickly," she said, adding that each day is filled with anxiety.

If the bill is denied, she has no choice but to return to Japan with her son. If that happens she plans to visit Tennessee twice a year.

"But the best is for us to be able to stay here," she said. "I do miss Okinawa, but at the same time, I have been so impressed with this country and the people. I am overwhelmed with the kindness and compassion that has been shown to us by not only our neighbors but many people from other states.

"Being surrounded by the warmth of Michael's family and friends, I know now why my husband so much wanted to come back here. By being here, I can feel him even closer each day."

Stars and Stripes reporter Chiyomi Sumida contributed to this story.

[www.stripes.com/article.asp?section=104&article=65071](http://www.stripes.com/article.asp?section=104&article=65071)