

117TH CONGRESS
1ST SESSION

H. R. 2382

To amend the Immigration and Nationality Act to recognize the service of veterans of the armed forces by providing a more navigable and accommodating pathway for veterans honorably discharged from the United States military to naturalize and seek citizenship, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2021

Ms. BARRAGÁN (for herself and Mr. GALLEGÓ) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to recognize the service of veterans of the armed forces by providing a more navigable and accommodating pathway for veterans honorably discharged from the United States military to naturalize and seek citizenship, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans’ Pathway to
5 Citizenship Act of 2021”.

1 **SEC. 2. NATURALIZATION OF VETERANS DURING PERIODS**
2 **OF HOSTILITIES.**

3 (a) NATURALIZATION OF VETERANS DURING PERI-
4 ODS OF HOSTILITIES.—Section 329 of the Immigration
5 and Nationality Act (8 U.S.C. 1440) is amended by add-
6 ing at the end the following:

7 “(d) REMEDIES.—

8 “(1) IMMIGRATION STATUS.—

9 “(A) ASSUMPTION OF LAWFUL PERMA-
10 NENT RESIDENT STATUS.—For purposes of this
11 title, any current or former member of the
12 Armed Forces who would be eligible for natu-
13 ralization under this section but is not by rea-
14 son of a failure to complete a specified period
15 of residence or physical presence within the
16 United States under this title or failure to
17 maintain status as a lawful permanent resident
18 shall, upon application for naturalization, be
19 deemed to be a lawful permanent resident and
20 to have fulfilled any residency and physical
21 presence requirements solely for purposes of
22 such current or former member’s application
23 for naturalization.

24 “(B) PRIOR REMOVALS.—In the case of
25 any current or former member of the Armed
26 Forces who is seeking naturalization under this

1 section, no prior removal may be taken into ac-
2 count for purposes of eligibility for any immi-
3 gration benefit or in determining deportability,
4 or inadmissibility, including for purposes of the
5 application of sections 212(a)(9) and 318.

6 “(2) PARDONS.—

7 “(A) IN GENERAL.—Except as provided in
8 subparagraph (B), in the case of a current or
9 former member of the Armed Forces who re-
10 ceives a pardon for an offense, that offense may
11 not be taken into account for purposes of an
12 application for naturalization under this sec-
13 tion, including as to—

14 “(i) requirements under section 212;

15 and

16 “(ii) requirements under section 316.

17 Such benefit shall apply only as to the current
18 or former member’s application for naturaliza-
19 tion.

20 “(B) EXCEPTION.—Subparagraph (A)
21 shall not apply if the offense pardoned was the
22 same offense that caused that former member’s
23 separation from the Armed Forces in any man-
24 ner other than honorable.

25 “(3) NOTICE PROGRAM.—

1 “(A) UPON ENLISTMENT.—Every military
2 recruiter or officer overseeing an enlistment
3 shall provide to every recruit proper notice of
4 that recruit’s options for naturalization under
5 this title, and shall inform the recruit of exist-
6 ing programs or services that may aid in the re-
7 cruit’s naturalization process, including direct-
8 ing the recruit to the Judge Advocate General
9 or other designated point-of-contact for natu-
10 ralization.

11 “(B) UPON DISCHARGE.—The Secretary of
12 Homeland Security, acting through the Director
13 of the United States Customs and Immigration
14 Services, and in coordination with the Secretary
15 of Defense, shall provide to every former mem-
16 ber of the Armed Forces, upon separation from
17 the Armed Forces, an adequate notice of that
18 former member’s options for naturalization
19 under this title, and shall inform that former
20 member of existing programs and services that
21 may aid in the naturalization process. The Sec-
22 retary shall issue along with this notice a copy
23 of each form required for naturalization and a
24 copy of the certification of honorable service re-

1 quired under subsection (b)(3), at no expense to
2 that former member.

3 “(4) APPLICATION AUTOMATICALLY FILED.—

4 When the current or former member who would be
5 eligible for naturalization under this section becomes
6 eligible for such naturalization, the Secretary of
7 Homeland Security, in coordination with the Sec-
8 retary of Defense shall notify the member of his or
9 her eligibility, and shall, unless the member requests
10 the Secretary of Homeland Security not do so, sub-
11 mit an application for the naturalization on behalf of
12 that member.

13 “(5) VETERAN’S APPLICATION TO BE GIVEN
14 TREATMENT AS THOUGH TIMELY FILED.—In the
15 case of any current or former member of the Armed
16 Forces who would be eligible for naturalization
17 under this section but is not by reason of a failure
18 or inability to timely file application for naturaliza-
19 tion, the Director of United States Customs and Im-
20 migration Services shall review any application for
21 naturalization submitted by or on behalf of the
22 former member as if it were completed and timely
23 filed.”.

1 (b) PROSPECTIVE REPEAL.—Section 329 of the Im-
2 migration and Nationality Act (8 U.S.C. 1440) is amend-
3 ed by striking subsection (d)(5).

4 (c) APPLICABILITY.—

5 (1) EFFECTIVE DATE OF AMENDMENT.—The
6 amendment made by subsection (a) shall take effect
7 beginning on the date of enactment of this Act.

8 (2) EFFECTIVE DATE OF REPEAL.—The
9 amendment made by subsection (b) shall take effect
10 beginning 1 year after the date of enactment of this
11 Act.

○